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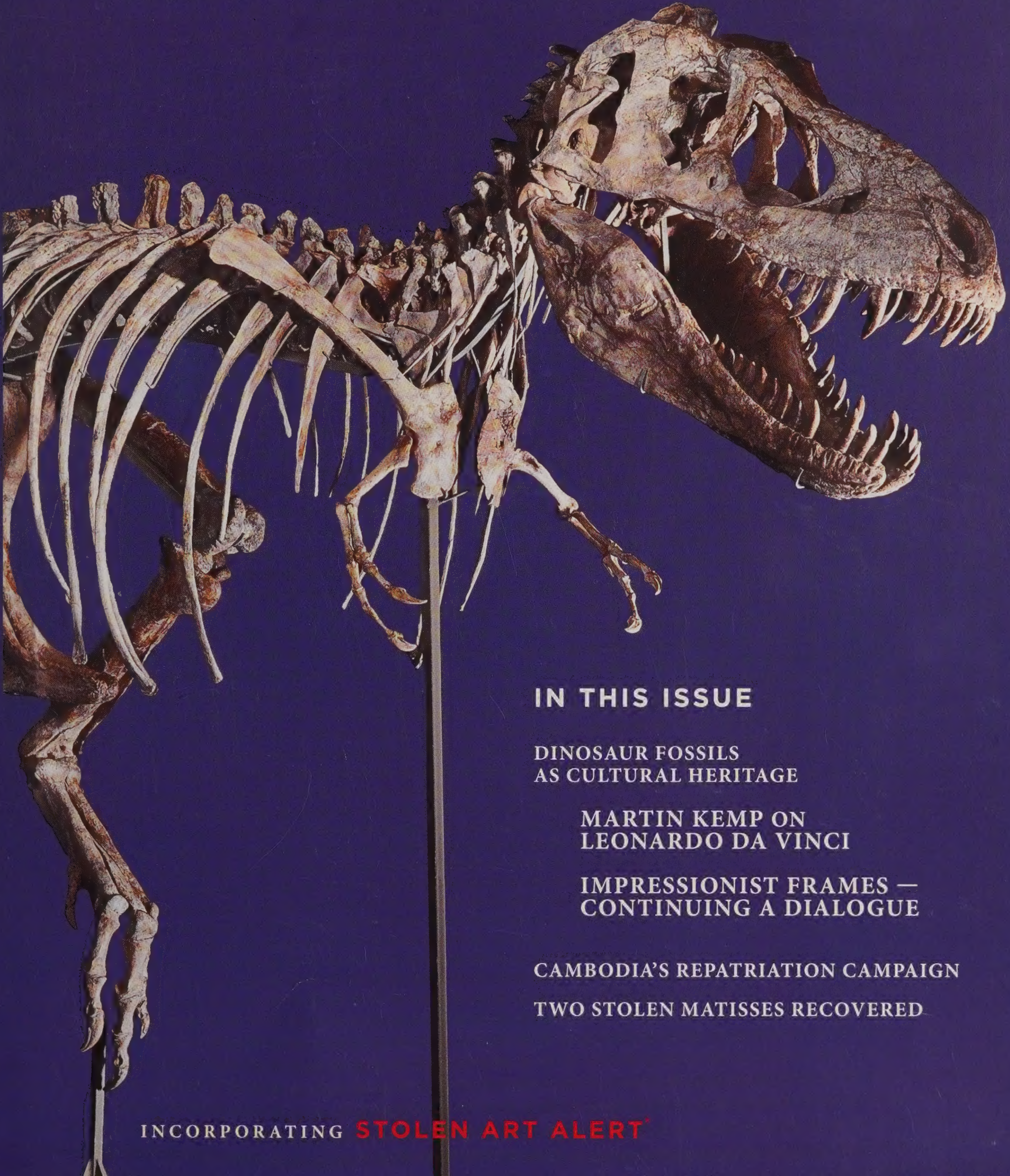

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INCORPORATING STOLEN ART ALERT®

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EDITOR-IN-CHIEF: Sharon Flescher
EDITOR: Kathleen Ferguson
DESIGN: Alice Fisk MacKenzie

International Foundation for Art Research (IFAR)
500 Fifth Avenue, Suite 935, New York, NY 10110
Tel: (212) 391-6234 Fax: (212) 391-8794 www.ifar.org

EXECUTIVE DIRECTOR: Sharon Flescher
ASSISTANT TO THE DIRECTOR: Kathleen Ferguson
ART RESEARCH DIRECTOR: Lisa Duffy-Zeballos

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COVER: *Tyrannosaurus bataar* (Late Cretaceous period). Image cropped. Photo: Heritage Auctions. See story on p. 2.

FLORIDA PALEONTOLOGIST MAKES NO BONES; PLEADS GUILTY TO SMUGGLING DINOSAUR FOSSILS

To commercial paleontologist Eric Prokopi, cultural heritage is in the eye of the beholder. Dinosaur fossils – such as the *Tyrannosaurus bataar* ("Bataar") skeleton **(FIG. 1)** that he painstakingly prepared and mounted, then attempted to sell for over $1 million at a May 2012 Heritage auction in New York – are, he has said, "just basically rocks." They are "not like antiquities, where it's somebody's heritage and culture."[1]

The governments of the U.S. and Mongolia, where the Bataar was excavated, beg to differ. Mongolia, in fact, claims dinosaur fossils as state property under its cultural heritage laws. In October 2012, amidst a growing international controversy over the ownership of the stunning 8-foot tall, 24-foot long Bataar (a cousin of *Tyrannosaurus rex*), United States Attorney for the Southern District of New York Preet Bharara, added criminal charges to an already pending civil forfeiture case against Prokopi. Calling Prokopi a "one man black market in prehistoric fossils," Bharara charged him with scheming to illegally import dinosaur fossils into the country.

On December 27, 2012, Prokopi – unable to get around the fact that he had lied on U.S. customs forms about the origin, contents and value of crates containing the Bataar – plead guilty to all counts, proving that sometimes, one man's "rocks" are another man's – or nation's – treasure. Sentencing is scheduled for April 2013. Prokopi faces up to 17 years in prison; he has already agreed to give up the Bataar and five other fossils.

The case against Prokopi is among the latest efforts by the U.S. government to punish the illegal importation of cultural objects acquired in violation of a foreign country's patrimony laws. Presumably, the U.S. government hopes Prokopi's guilty plea will have longer arms than the rather short-armed Bataar, reaching out as a stern *caveat emptor* to would-be importers, sellers and purchasers of illicitly obtained objects. As James T. Hayes, Jr., the Special Agent-in-Charge of the U.S. Immigration and Customs Enforcement's Homeland Security Investigations ("ICE/HSI"), emphasized, Prokopi's arrest was calculated to send "a clear message that HSI does not tolerate the sale of allegedly stolen cultural artifacts." Said Hayes, "[w]e want to make this illegal business practice extinct in the U.S."

While it may come as a surprise to most people, the collecting, trading and selling of dinosaur fossils is not illegal in the United States. But exceptions apply. These include fossils that are found in the U.S. on federal land or are found in foreign countries – like Mongolia – which claim ownership of them by virtue of cultural heritage (patrimony) laws, and are then smuggled into the U.S. in violation of U.S. customs laws by means of false or misleading documentation. In this way, dinosaur fossils are analogous to antiquities and art objects.

The Bataar at the center of the controversy lived approximately 70 million years ago, in the Late Cretaceous period, but emerged from Mongolian soil only in recent years. While it is unclear whether Prokopi personally unearthed the Bataar, he admitted that he had it packed into three large crates, which he shipped to the U.S. through Great Britain via U.P.S. in 2010. On the accompanying commercial invoice, Prokopi listed the coun-

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[1] Quoted from Paige Williams, "Bones of Contention," *The New Yorker*, January 28, 2013, p. 58.

“Bataar skeletons are rare and they have only been found in a small area in the Mongolian Gobi Desert in and around the Nemegt Basin.”

try of origin as Great Britain; valued the shipment at $15,000; and described the contents as, among other things, “fossil reptile heads, “1 fossil lizard,” and “broken fossil bones.” The U.S. attorney also alleged in the civil case that Prokopi shipped portions of the Bataar into the U.S. in 2007, listing their country of origin as Japan. In one instance, Prokopi allegedly first listed the country of origin as Mongolia, but when U.P.S. asked him for additional information, he changed it to Japan.

Perhaps aided by this subterfuge, the crates entered the United States without incident. Prokopi then spent a year and a half cleaning and preparing the skeleton at his home workshop in Gainesville, Florida, where he and his wife Amanda operate Everything Earth, a home décor company that also sells jewelry, artifacts and fossils. Prokopi consigned the Bataar to Texas-based Heritage Auctions for sale at the May 20, 2012 multi-vendor Natural History Auction in New York. Heritage’s pre-auction materials described the Bataar as “superb,” with “wonderful bone texture and delightfully mottled grayish bone color,” and estimated that it could fetch between $950,000 and $1,500,000.

According to Greg Rohan, president of Heritage, it accepted the Bataar (which had been turned down by at least one other auction house) because Prokopi “had a good reputation over decades, and because he warrantied, in writing, that he had clear title.”[2] The auction house listed the Bataar’s origin as “Central Asia.” It was one of dozens of fossils – mammals, reptiles, fish, dinosaurs, and others – offered at the sale, but clearly the star of the show.

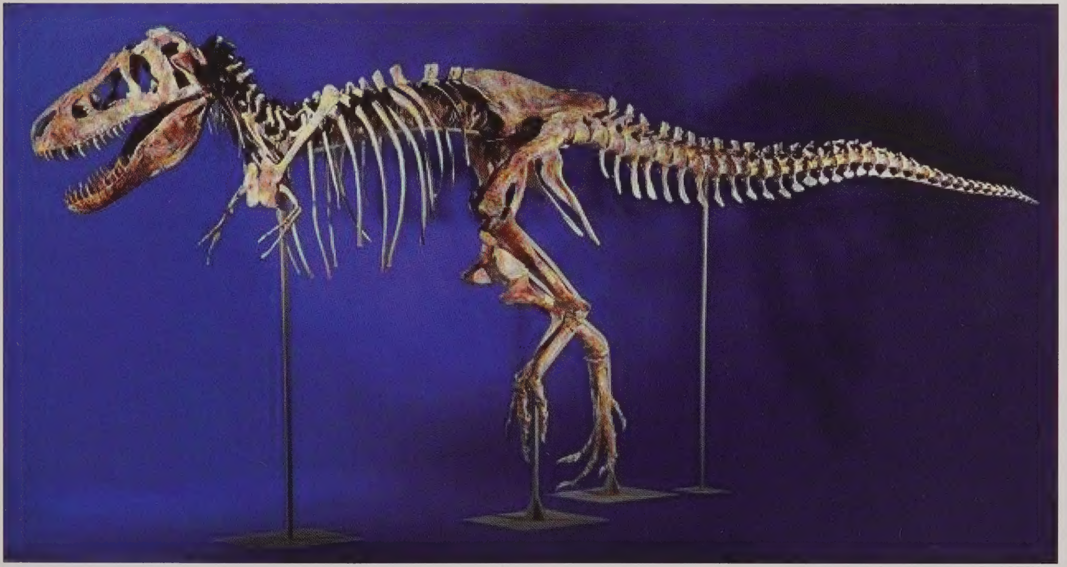

FIGURE 1. ***Tyrannosaurus bataar*, Late Cretaceous period. Dinosaur fossil at the center of a recently settled federal lawsuit and criminal case. Photo: Heritage Auctions.**

The prospect of a massive, nearly intact *Tyrannosaurus* caused more than a *frisson* of excitement. One newspaper declared the Bataar the "best auction item in the history of New York." But not all the attention was favorable. When New York-based Mongolian paleontologist Bolortsetseg Minjin saw a television report about the auction, she contacted Mongolian authorities to report her suspicion that the specimen had been illegally taken from that country. She also reached out to Bataar experts Mark Norell, chairman and curator of the division of paleontology at the American Museum of Natural History, and University of Alberta paleontologist Phil Currie.

Bataar skeletons are rare and they have only been found in a small area in the Mongolian Gobi Desert in and around the Nemegt Basin. Because the Bataar offered for auction displayed the distinctive light coloring particular to fossils excavated from the Nemegt Basin, Norell and Currie concluded that it was very likely Mongolian. They each wrote open letters opposing the sale. In addition, an online petition aimed at stopping the auction on the grounds that the fossils were "strongly suspected by scientists from Mongolia and the United States of having been illegally collected from Mongolia" circulated, garnering more than two thousand signatures.

Less than two days before the scheduled auction, Mongolia's Harvard-educated president Elbegdorj Tsakhia hired Houston-based lawyer Robert Painter to stop the sale. Painter succeeded in obtaining a temporary restraining order from Texas state court judge Carlos Cortez and traveled to New York to attend the auction. As bidding for the Bataar got underway, Painter reached Judge Cortez on his cell phone and attempted, unsuccessfully, to halt the sale.

The Bataar sold for $1,052,500 (with premium) to an anonymous bidder (now identified as Coleman Burke, a Manhattan real-estate developer, lawyer and paleontology enthusiast), but the sale was made contingent upon the outcome of Mongolia's ownership claim. Heritage then dismantled and crated the dinosaur, and placed it in a Queens, New York fine art storage facility. (It was later moved by government authorities.) On June 5, 2012, the specimen was examined at President Elbegdorj's request by American and Mongolian paleontologists, all of whom concluded that it was from the Nemegt Basin in Mongolia and had been excavated recently.

President Elbegdorj then asked the U.S. government to intervene. On June 18, U.S. Attorney Bharara filed an *in rem* civil action to seize the Bataar, along with two other Mongolian dinosaur skeletons believed to be in Prokopi's possession, on the grounds that they were stolen property that had been illegally imported into the United States.[3] Four days later, U.S. federal authorities seized the Bataar.

The Complaint set forth three bases for seizure. The first, 18 U.S.C. § 981(c), was based on Prokopi's alleged violation of the National Stolen Property Act (the "NSPA").[4] In particular, the United States claimed that under the NSPA, the Bataar was "stolen" property because it had been taken from Mongolia in contravention of the 2001 Mongolian Law on Cultural Heritage and several other Mongolian laws dating back as early as 1924. According to the Complaint, the 2001 law provides that "fossils and animal imprints . . . shall be under state protection and any such findings shall be a state property."[5] The second claim, based on 18 U.S.C. § 545,

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[2] Ibid, p. 59.

[3] *United States v. One Tyrannosaurus Bataar Skeleton,* No. 12-cv-4760 (S.D.N.Y. filed June 18, 2012). The U.S. amended the civil Complaint on June 24, 2012.

[4] 18 U.S.C. § 2314 and 2315. The NSPA prohibits the transportation in interstate or foreign commerce of property valued at $5,000 or more with knowledge that it was "stolen, converted or taken by fraud."

alleged that Prokopi had lied on customs forms about the contents, origin and value of the Bataar. The final forfeiture claim was grounded in 19 U.S.C. § 1595a (c), an increasingly popular prosecutorial tool because of its low "probable cause" pleading requirements and lack of an "innocent owner" defense. Section 1595a allows for the seizure of merchandise that is "stolen, smuggled, or clandestinely imported" into the United States.

Prokopi filed a claim of interest in the seized Bataar on July 27, 2012 and later moved to dismiss. He argued that as far as he knew, his actions had been legal, and that at least "since the fall of Communism," fossils from Mongolia "have been openly sold on the international market, and have been avidly collected in the United States by both individuals and museums." Prokopi stated that he did not know – and could not have known – of Mongolia's cultural heritage laws because they are not "readily available to the general public, much less to attorneys who practice in the cultural property' field."[6]

On the very date that Prokopi filed his motion to dismiss, federal prosecutors charged him with "multiple crimes relating to a scheme to illegally import dinosaur fossils into the United States." In particular, a criminal Information accused him of violating 18 U.S.C. § 371 (conspiracy to defraud the United States); 18 U.S.C. § 542 (entry of goods into U.S. commerce by means of false statements); and 18 U.S.C. § 2314 (transportation of stolen goods).[7] Then, on November 14, Prokopi's situation took another turn for the worse when Judge P. Kevin Castel denied his motion to dismiss the civil case. Among other things, Judge Castel held that while Prokopi's claimed misapprehension of Mongolian law might later be used as an element of his defense, it was not grounds for dismissing the case outright.[8]

Prokopi plead guilty to all three criminal counts on December 27, 2012. Pursuant to the plea arrangement, he agreed to withdraw his claim of ownership over the Bataar. He also agreed to forfeit at least five additional Mongolian dinosaur skeletons that he possessed, including two other Bataars, a Hadrosaur, and two Oviraptors. In return, federal prosecutors will support Prokopi's request for a reduced sentence and have promised not to use his testimony against him in any criminal tax prosecution.

Prokopi, who has two young children, is free on bail while he awaits his sentencing, which is scheduled for April 25, 2013. While he faces up to 17 years in prison and steep fines, he is hoping for leniency. In a statement to the *The New Yorker,* Prokopi put forth the question seemingly begged by this whole affair: "If I believed it wasn't legal for me to have or sell this dinosaur, why would I have offered it in such a public format?" Heritage, for its part, plans to continue selling fossils, but, according to Rohan, now plans to require "a lot more proof of origin."[9]

MARY MORABITO ROSEWATER,
IFAR LEGAL ASSOCIATE
and **SHARON FLESCHER**

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[5] See supra, note 3, ¶ 22. In spite of repeated requests and much research, IFAR has not yet been able to obtain a copy (in English or Mongolian) of Mongolia's 1924 law. Law #167 of 1970 does assert ownership of historical and archaeological objects, although not specifically fossils. The Law of 2001, "On Protection of Cultural Heritage," specifically includes "scientifically significant" objects as state property, without mentioning dinosaur fossils in particular. Paleontological sites are protected and all finds must be registered. IFAR posts these laws in the Art Law & Cultural Property Database section of its website: www.ifar.org.

[6] Indeed, it is often very difficult to obtain foreign legislative documents whether in the original language or translation. See *supra* note 5. Currently, IFAR posts legislative documents for more than 100 countries on its website and is continually updating and expanding the information.

[7] *United States v. Prokopi,* No. 12-cr-0981 (S.D.N.Y. filed Oct. 5, 2012).

[8] *United States v. One Tyrannosaurus Bataar Skeleton,* No. 12-cv-4760 (PKC), Memorandum and Order (Nov. 14, 2012).

[9] Williams, *The New Yorker,* op. cit., p. 63.

A TALE OF TWO STOLEN MATISSES

Call it a coincidence. But two paintings by Henri Matisse – *Le Jardin* (The Garden) from 1920 **(FIG. 1)** and *Odalisque with Red Pantaloons* of 1925 **(FIG. 2)**, both oil on canvas and both stolen years ago from museums 5,000 miles apart, were recently recovered and are back where they belong.

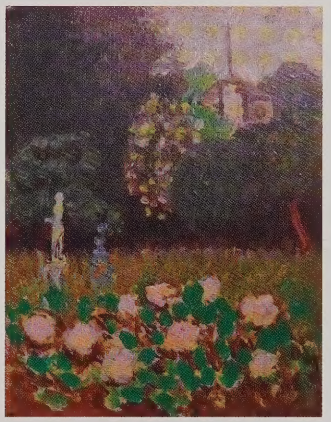

FIGURE 1. HENRI MATISSE. **_Le Jardin_, 1920. Oil on canvas. 45 x 34 cm. Stolen from the Museum of Modern Art, Stockholm, Sweden in 1987. Recovered in December 2012. © 2013 Succession H. Matisse / Artists Rights Society, New York.**

Le Jardin was stolen from the Moderna Museet in Stockholm, Sweden on May 11, 1987 when a thief, armed with a sledgehammer, broke into the museum in the early morning hours. The theft was reported to IFAR (the Art Loss Register – ALR – did not yet exist); was listed in our Stolen Art Database; and was then published in *IFARreports,* our publication at the time, in both July and December 1987. But the work disappeared. Media reports later said that the museum turned down ransom attempts, but a museum spokesperson recently denied that.

Fast forward 25 years to December 2012. Charles Roberts, a British art dealer in Essex, England, northeast of London, performed a routine search with the Art Loss Register, to which IFAR had licensed its Database. The search was on behalf of an elderly client in Poland who had acquired the painting in the early 1990s, apparently unaware of its history, and wanted to sell it. He has not been implicated in the theft.

The Matisse "matched" the stolen work, and the ALR notified the museum. Christopher Marinello, Executive Director and General Counsel at the ALR, announced the recovery in January, and the work was returned to the museum, where it is back on view. The thieves have not been found and Swedish police are reportedly not investigating further, as the statute of limitations on the theft has expired.

Odalisque with Red Pantaloons, a work from Matisse's "decorative" period, led a more circuitous route back to its home – the Contemporary Art Museum of Caracas, Venezuela, also known as the MACCSI. And the circumstances of its theft are less clear-cut. Even the date of the theft is disputed.

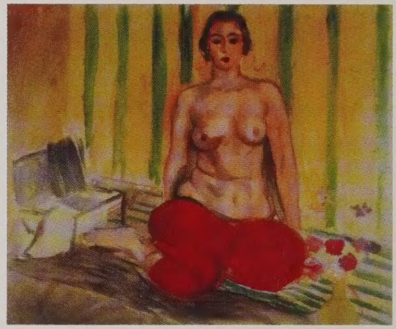

FIGURE 2. HENRI MATISSE. **_Odalisque with Red Pantaloons,_ 1925. Oil on canvas, 60.5 x 73.7 cm. Stolen from the Museum of Contemporary Art, Sofia Imber (MASSCI), Caracas, Venezuela. Recovered in July 2012. © 2013 Succession H. Matisse / Artists Rights Society, New York.**

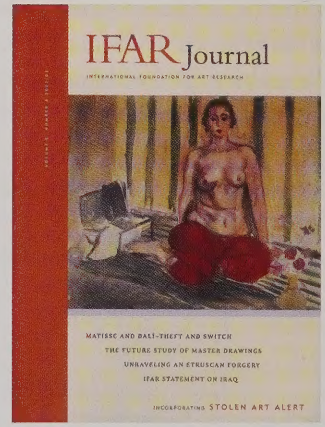
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FIGURE 3. Cover of _IFAR Journal_, Vol. 5, no. 4, showing the stolen Matisse _Odalisque._

The theft became public – and also known to the museum – in late 2002, but it actually occurred at least by 2000, and possibly as early as 1997. A 2002 cover story in *IFAR Journal,* Vol. 5, no. 4 **(FIG. 3),** featured an interview with the then museum director, Rita Salvestrini, who told IFAR that she believed it was an inside job. No one else, she said, could have had the necessary access.

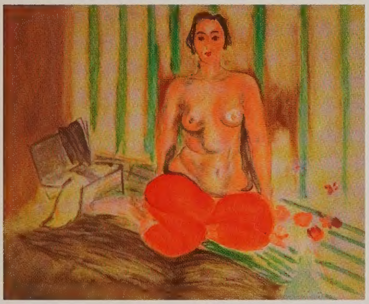


FIGURE 4. Copy of Matisse's *Odalisque with Red Pantaloons.* Substituted for the original.

When stolen, the painting was replaced with a fake **(FIG. 4)** of similar dimensions. It was signed, as in the original, in the lower left corner **(FIG. 5).** The fake was attached to the *original* stretcher and frame. Perhaps because of that (although it is not an excuse, given the crudeness of the facture and modeling, let alone the differences in some of the details – e.g., six stripes at the lower right of the fake, instead of seven), the fake continued to hang in public in the museum for at least two years (depending on the date of the theft), unrecognized as a fake by either museum staff or visitors!!!! It was not until the actual painting began to circulate on the market that the museum examined the work on its walls more closely and discovered what had happened. Only then did it realize that the authentic work had been stolen. After circulating on the market briefly – first in New York in the fall of 2000, then in Miami in 2001 and 2002 – aided by false documents purportedly signed by two former museum employees "authorizing" the sale from the museum **(FIGS. 6 & 7),** the original Matisse went underground.

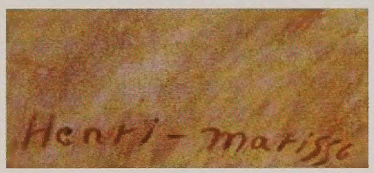
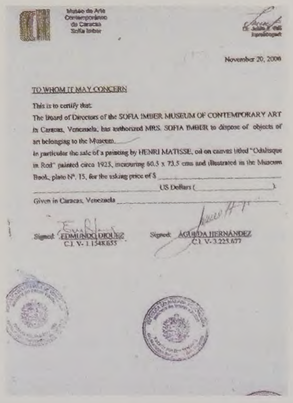


FIGURE 5. Signature on fake.



Museo de Arte
Contemporaneo
de Caracas
Sofía Imber

November 20, 2000

TO WHOM IT MAY CONCERN

This is to certify that:

The Board of Directors of the SOFIA IMBER MUSEUM OF CONTEMPORARY ART in Caracas, Venezuela, has authorized MRS. SOFIA IMBER to dispose of objects of art belonging to the Museum.

In particular the sale of a painting by HENRI MATISSE, oil on canvas titled "Odalisque in Red" painted circa 1925, measuring 60.5 x 73.5 cms and illustrated in the Museum Book, plate N°. 15, for the asking price of $ ____________ US Dollars (____________).

Given in Caracas, Venezuela ____________

Signed: EDMUNDO DIQUEZ
C.I. V- 1.1548.655

Signed: AGUEDA HERNANDEZ
C.I. V- 3.225.677

FIGURE 6. Document (possibly forged) signed by two former employees of the museum in Caracas "authorizing" the sale of the Matisse painting.

An alarm was initially sounded by Wanda de Guebriant of the Matisse Archives in Paris, who was asked to authenticate the painting when it was on the market. Initially believing that it had to be a copy, because the real work was in Caracas, Ms. de Guebriant simply dismissed the photos that were sent to her. It was only when the painting was actually brought to her in Paris that she realized, as she told IFAR at the time, "that it actually was the original painting although it had been savagely stapled onto a very poor quality stretcher." She refused to provide a certificate of authenticity, although it was authentic. Instead, she alerted the founder of the Caracas museum, Sophia Imber, who had originally donated the painting to the museum, but at that point, had been removed as museum director in an administrative shake-up.

A second alarm was sounded months later by a Venezuelan

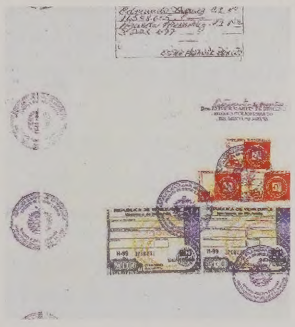


FIGURE 7. "Notarized" stamps on the "authorizing" document.

art dealer living in Florida, who circulated an angry email letter protesting that a major work from the museum's collection was on the market. The museum at first denied that this was the case and then, upon investigating further, admitted that he was correct. But the museum also complained that his public outcry caused the painting to go underground. The FBI was brought into the picture, but the work seemed to disappear from Miami after December 2002, with rumors that it had been sent to Europe.

Fast forward to 2011. The FBI learned through a confidential informant that the Matisse was back on the market, and it began to plan a "sting." Impersonating an interested buyer, an FBI agent began to negotiate a sale with a 46-year-old Florida man – Pedro Antonio Marcuello Guzman – who, according to the subsequent indictment,[1] told them that his partner in Mexico had the work. They would be willing to sell it for 20% of its estimated $3.7 million value. Marcuello Guzman admitted to the undercover agent that he knew the work was stolen, although neither he nor his partner had committed the theft. Previous attempts at a sale had fallen through.

The undercover agent, unwilling to go to Mexico, convinced Marcuello Guzman to have the painting brought to Miami. He reluctantly arranged for Maria Martha Elisa Ornelas Lazo, his partner's wife, to bring the painting to the U.S. On July 16, she flew from Mexico City to Miami carrying the Matisse rolled up in a tube. The next day, the pair met with the FBI undercover agent and a second agent posing as an art dealer. In a guest room in the Loews Miami Beach Hotel, the agents carried out their "sting," which was recorded on tape. After inspecting the painting and making an ostensible attempt to send a wire payment to the agreed-upon account, the agents arrested the pair.[2]

Two weeks later, on July 31, Marcello Guzman and Ornelas Lazo were indicted for knowingly violating the National Stolen Property Act; in October, they plead guilty. They were sentenced on January 22, 2013 – Marcuello Guzman to 33 months in prison and Ornelas Lazo to 21 months, each followed by 3 years of supervised release.

The story of what happened to the Matisse from the time it went underground in December 2002 until it resurfaced in 2011 has not been made public. Nor have the exact circumstances surrounding its theft, although Ornelas Lazo did confirm to the undercover agents that the work was stolen by museum employees and had been in her possession in Mexico for years.

What, ultimately, do the recoveries of the two Matisse paintings, whose thefts were so different, have in common? First and foremost, they prove, once again, how difficult it is to market stolen art – at any price – so long as the thefts have been reported to authorities and databases and the works are uniquely identifiable. This is especially true of well-known works by major artists. Even when accompanied by fake but convincing museum documents, the *Odalisque* could not be sold in 2000-2002, and was only "sold" as part of an FBI sting in 2012. For *Le Jardin*, a simple search in the Art Loss Register's database found a match with the painting that was reported stolen in Stockholm almost 25 years earlier. The two recoveries also demonstrate how many years it can take for stolen works to resurface and be recovered, but it shows that law enforcement can, and will, tenaciously stay on the trail.

—S.F.

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[1] *United States v. Marcuello Guzman and Ornelas Lazo*, No. 12-cr-20559-DMM (S.D. Fla. filed July 18, 2012).

[2] The pattern of this FBI sting is remarkably similar to one from 1991, also carried out in a Miami hotel. In the earlier instance, FBI agents, with the help of a scholar, Charles Scribner III, recovered a Rubens painting, which had been stolen from a museum in Spain and had resurfaced years later in Miami. Dr. Scribner recently recounted that story at an *IFAR Evening* devoted to the "Anatomy of an Art Sting".

MYTH OF FINGERPRINTS? SOME OF FORENSIC SCIENTIST'S DEFAMATION CLAIMS AGAINST *THE NEW YORKER* SURVIVE DISMISSAL

Canadian forensic scientist Peter Paul Biro, who is best known for attributing fingerprints found on little-known or previously unattributed artworks to famous artists including J.M.W. Turner, Jackson Pollock and Leonardo da Vinci, is seeking another positive result. This time, however, his efforts are not in a laboratory, but in a court of law, where he is trying to repair damage to his reputation that he claims was caused by an article in the July 2010 issue of *The New Yorker.* On August 8, 2012, Biro obtained a "partial positive" when a federal judge in New York refused to dismiss four of several defamation claims that he had brought against *The New Yorker* publisher Condé Nast, and the article's author, journalist David Grann.[1] While the case is being closely watched by those in the media because of its implications for the First Amendment rights of news reporters, it also draws attention to the unsettled role of fingerprint analysis in art authentication.

GRANN'S "MARK OF A MASTERPIECE"

The lengthy – 16,028 word – article, entitled "The Mark of a Masterpiece: The man who keeps finding famous fingerprints on uncelebrated works of art," was framed as an investigation into two seemingly competing methodologies of art authentication: connoisseurship, with its reliance on an expert's "eye" or "sixth sense," and fingerprint analysis, which some might consider more quantitative. The first half of the article chronicled Biro's professional accomplishments. Grann described, for instance, Biro's attribution early in his career of a then unknown painting, *Landscape With a Rainbow,* to J.M.W. Turner. That attribution, which was based in part on a Turner fingerprint Biro had discovered on the work, is generally accepted by scholars, and the work was sold as a Turner by Phillips auction house in London in 1995.

The article also recounted Biro's more recent collaboration with Oxford University scholar Martin Kemp in the (still contested) attribution to Leonardo da Vinci of a small and then-modestly valued drawing sold by Christie's in 1998 as a 19th century German work.[2]

> **"While the case is being closely watched by those in the media because of its implications for the First Amendment rights of news reporters, it also draws attention to the unsettled role of fingerprint analysis in art authentication."**

Grann went on to tell of Biro's involvement with Teri Horton, a retired truck driver who purchased an unsigned, abstract "drip" painting at a San Bernardino, California thrift shop for $5 in the early 1990s and hired Biro in 2000 to determine whether the work was by Jackson Pollock. (She later submitted the work to IFAR.) In 2001, Biro matched a partial fingerprint on the painting's verso to a fingerprint he found on a paint can in Pollock's studio.[3] Sometime later, a paint sample Biro took from Pollock's studio floor (which, according to Biro, was the first sample he tested) tested positive for acrylic. This was a remarkable and indeed controversial find, given that acrylics have *never* been found in any accepted Pollock works (although Pollock is known to have possessed acrylic paints).

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[1] *Biro v. Condé Nast,* No. 11 Civ. 4442 (JPO) (S.D.N.Y. August 9, 2012).

[2] The work, referred to by Martin Kemp as *La Bella Principessa,* is discussed by Professor Kemp in this issue of *IFAR Journal,* pp. 36-53. It is also the subject of Kemp and Pascal Cotte's book, *Leonardo da Vinci "La Bella Principessa": The Profile Portrait of a Milanese Woman* (London: Hodder & Stoughton, 2010), to which Biro contributed a chapter on fingerprint examination. There are also many news reports about it, including: Lisa Duffy-Zeballos and Shima Majidi, "A New Leonardo? In the Courts of Scholarly Opinion – and Law – the Jury is Still Out," *IFAR Journal,* Vol. 12, no. 1 (2010); NOVA, Mystery of a Masterpiece (PBS, aired Jan. 25 2012); Milton Esterow, "The Real Thing?" *ARTnews,* Vol. 109:1 (Jan. 2010), pp. 82-87.

[3] Biro's attribution of the Horton painting to Pollock has not been supported by many in the art world, including leading Pollock scholars and IFAR, which examined the work in 2001-02 and, based on extensive research and expert opinions, concluded that the work was not by Pollock.

> **"In mid-article Grann seemed to change gears. Almost precipitously, a less flattering portrait of Biro emerged, with Grann calling into question Biro's integrity, specific findings, and by implication, the *bona fides* of Biro's research as a whole."**

Thus, the initial picture of Biro that *The New Yorker* article painted was, in Grann's words, that of a "triumphant scientist who had transformed the art world." Yet in mid-article Grann seemed to change gears. Almost precipitously, a less flattering portrait of Biro emerged, with Grann calling into question Biro's integrity, specific findings, and by implication, the *bona fides* of Biro's research as a whole. Grann reported, for instance, on several Canadian legal and professional disputes in which Biro was accused of wrongdoing. Among them was a suit brought by art collectors Saul and Marion Hendler, who had won a partial judgment against Biro when they accused him of switching a painting they had left with him with a copy.

In discussing another dispute – a lawsuit brought by Montreal businesswoman Elizabeth Lipsz over allegedly unpaid loans – Grann quoted Lipsz calling Biro a "classic con man," and her lawyer calling him a "phony." Grann also reported that Biro had been part of an unrealized effort to establish a business venture called Provenance, which, according to the article, had been envisioned as an enterprise that would purchase unattributed artworks, have them authenticated by Biro and others, and then re-sell them for substantial profits. Grann reported that Provenance had planned to purchase Horton's painting for nearly five million dollars and resell it for between forty and sixty million dollars, facts that, if true, seemed to undermine Biro's insistence that he had never had a "financial stake in Horton's painting."

Perhaps most damaging, however, were sections of *The New Yorker* article focusing on an unattributed abstract drip painting owned by Long Island, New York private investigator Kenneth Parker (Parker had inherited the work from his father, a New York State lottery winner). According to the article, Parker submitted the work to Biro in 2004 in hopes of confirming that it was by Pollock. Biro soon informed Parker that he had found Pollock's fingerprints on the painting and that they, like the partial print on the back of Horton's painting, matched the fingerprints on a paint can from Pollock's studio. Grann reported that Biro then allegedly sought additional payments from Parker, which Biro said were needed so that he could further analyze the work.

The article went on to report that Parker, frustrated by the requests for additional payments and an alleged delay by Biro in providing a final report, ultimately approached Theresa Franks, who runs the Arizona-based for-profit company, Global Fine Art Registry, and asked her to investigate the reliability of Biro's methodologies. Franks, said Grann, then hired several fingerprint experts: Tom Hanley, the chief of police of Middlebury, Vermont, who had more than two decades of experience as a fingerprint examiner; Lawrence Rooney, a retired Suffolk County, New York detective sergeant and latent-print examiner who had more than two decades of experience as a fingerprint analyst; and Pat A. Wertheim, a private

> **"Biro asserted that taken as a whole, the article was 'a largely false and defamatory screed against' him, . . . In particular, . . . [it] defamed him by reporting that he had forged fingerprints or planted evidence . . ."**

consultant and Arizona crime lab technician with experience examining forged and fabricated fingerprints. The article detailed reservations that all three men had concerning the prints on Parker's painting, including objections to Biro's application of a resin or "liquid seal" to the prints and the fact that they appeared "relatively new" and too similar to each other. In particular, as Grann reported, the similarity of the prints, coupled with the existence of "bubble-like voids," led Wertheim to conclude that the prints "screamed forgery" – and may even have been applied by Biro himself, possibly with a rubber stamp.

BIRO BRINGS SUIT

While the article quoted several statements by Biro defending his work and rebutting his critics,[4] Biro nonetheless brought a defamation suit against Grann and Condé Nast on June 29, 2011 in the United States District Court for the Southern District of New York. Biro asserted that "taken as a whole," the article was "a largely false and defamatory screed against" him, and pointed to more than two dozen passages that he said were defamatory and "written and published with malice and an indifference to the standards of responsible journalism." Claiming "enormous damage" to his reputation, business and health, Biro sought more than $10 million in compensatory and punitive damages. He later amended his Complaint to add Theresa Franks and several other publishers he claimed had allegedly re-published defamatory content from *The New Yorker.*[5]

Biro's sweeping Complaint took issue with numerous aspects of the *The New Yorker* article. In particular, he asserted that the article defamed him by reporting that that he had forged fingerprints or planted evidence, which he denied. Biro also claimed that Grann's reporting on the Provenance venture was defamatory because he had never "taken an interest in any of the works of art he is asked to analyze." Biro took further issue with Grann's inclusion of quotations from participants in the Canadian disputes (including Lipsz and her attorney), because, he said, the article had excluded important facts, favorable to him, about those dealings. Finally, the Complaint criticized Grann for his heavy and allegedly one-sided reliance on Theresa Franks, who according to Biro, was biased against him and should not have been "the principal source for a writer and publisher who are concerned about factual accuracy." Finally, Biro alleged that the article defamed him by making him "appear to be sinister"; giving the impression that he "drinks to excess"; and allegedly incorrectly characterizing his approach to art authentication as "radical."

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[4] The article quoted Biro as stating, for instance, that Wertheim's analysis was presented as fact when it was opinion and that it was "tainted" because it had been prepared for Franks' website. Biro also noted that his laboratory is "equipped with an imaging system capable of Gigabit resolution in hyperspectral imaging, surpassing any camera in existence today. The instrument was developed and built here in the lab and it is the only one of its kind in the world." Further, said Biro, conventional fingerprint examiners "lacked the training necessary to evaluate fingerprint impressions on art works," an activity that he insisted is "not police work." Biro also noted that he spent only a "few hours" in Pollock's studio, in the "presence of staff," which would have made it impossible for him to have made a rubber stamp.

[5] Those defendants include Louise Blouin Media, Inc.; Business Insider, Inc.; Gawker Media LLC; Paddy Johnson; Yale University Press; and Patrick Bahners. On January 14, 2013, famed First Amendment lawyer Floyd Abrams filed a motion to dismiss on Yale's behalf. According to an IFAR source, all defendants have filed or plan to file motions to dismiss, and discovery has been stayed pending the outcome of those motions.

FOUR OF BIRO'S CLAIMS STAY ALIVE, FOR NOW

On October 31, 2011, Grann and Condé Nast moved to dismiss the Complaint, arguing that the article was protected by the First Amendment, New York constitutional law and New York's fair report privilege (N.Y. Civil Rights Law § 74), which protects "fair and true" reports of judicial and other official proceedings. They also argued that the statements in the article were either true or "pure opinion" and thus not actionable.

> **"On November 9, 2012, Condé Nast and Grann filed a motion for a legal determination that Biro is a 'public figure,' which could significantly impact the outcome of the case."**

In its August 2012 ruling, the court sided with Grann and Condé Nast as to the majority of Biro's allegations, including those relating to the descriptions of Biro's appearance and drinking habits. It also held that most of Grann's reporting on the Canadian legal cases consisted of "fair reports" of judicial proceedings.

The court nonetheless refused to dismiss four of Biro's defamation claims. First, it found that Grann's reporting of Lipsz's assertion that Biro was a "con man" (and of similar statements by her lawyer), was potentially defamatory because it implied that there was a factual, but undisclosed, basis for those opinions. Second, it held that the implication that Biro had "planted or fabricated evidence" was actionable because Biro had challenged "several of the underlying facts that" gave those sections their "defamatory sting." Third, the court held that the description of the Provenance venture could be considered defamatory because it implied that Biro had planned to profit from the sale of Horton's painting, which Biro denied. Finally, the court found that portions of the article dealing with the dispute between Biro and the Hendlers was not, as Grann had argued, protected by the fair report privilege, because the reporting was not confined to information in the public record.

Biro may never have his day in court, however. On November 9, 2012, Condé Nast and Grann filed a motion for a legal determination that Biro is a "public figure," which could significantly impact the outcome of the case. Under New York and federal law, when a person is a "public figure" – or even a "limited purpose public figure" – he must prove defamation claims beyond the typical negligence standard and show that false statements were published with knowledge of their falsity, or with reckless disregard for their truth.

While Biro maintains that he is not a public figure, the defendants have pointed out that he has been featured in, among other things, news reports by CBS, CNN, and the BBC, as well as a full-length documentary film, *Who the #$&% is Jackson Pollock?,* and a related "60 Minutes" segment about the Horton painting. Thus, they say, Biro is at a minimum a limited purpose public figure when it comes to discussions of forensic art authentications.

The court cannot, of course, provide guidance to the art world as to whether, and how, to rely on fingerprint analysis in art authentications, a field whose standards are still not fully defined.[6] What this case makes clear, however, is that fingerprint analysis, while potentially a useful tool, is only as good as the science, and the scientists, behind it.

—**M.M.R.** and **S.F.**

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[6] There is disagreement, for example, as to the required minimum number of points of comparison to make a fingerprint match, and other issues, such as whether a print – or partial print – has sufficient ridge detail to allow a match to be made, a problem exacerbated when the match is for an artist (such as Jackson Pollock) for whom there are no proven extant fingerprints.

In Brief—

CHANGES TO NEW YORK ARTS AND CULTURAL AFFAIRS LAW

As of November 2012, it is a misdemeanor in New York State for an art merchant to use funds owed to an artist or consignor for his own purposes, whether they are operating costs or payments to creditors. Aware that many galleries do not segregate the artist's portion of sales proceeds, the New York State Legislature passed a bill in June 2012 that was signed into law by Governor Cuomo in September and went into effect on November 6, amending the New York Arts and Cultural Affairs Law to clarify and strengthen the trust relationship between artists/consignors and art merchants.

The amended law explicitly states that works of art held by a merchant are not, and shall not become, the merchant's property. Violators may be subject to fines and/or imprisonment. The amendments were designed in part to prevent consigned property from being seized to satisfy a dealer's creditors, as occurred after the bankruptcy of the Salander-O'Reilly Gallery, when millions of dollars owed to consignors went unpaid. The law also provides artists/consignors and their children and other heirs a private right of action to obtain injunctive relief, recover actual damages, and seek reimbursement of legal fees.

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MARCHIG "LEONARDO" CASE ENDS; SCHOLARLY DEBATE GOES ON

Art collector Jeanne Marchig and Christie's reached a confidential settlement in May 2012 resolving the one remaining claim – concerning an allegedly lost picture frame – in their protracted battle over the controversial drawing known as *La Bella Principessa.*

As the *IFAR Journal* has previously reported in detail (Vol. 12, no. 1, 2010 and Vol. 13, nos. 1 & 2, 2012), Christie's sold Marchig's drawing, which it labeled a 19th century German work, in 1998 for a little more than $20,000. When Marchig later learned that some scholars believed the drawing to be an original work by Leonardo da Vinci worth millions, she sued Christie's for negligent attribution. Her suit was dismissed as untimely. The ruling was affirmed on appeal, except that Marchig was allowed to continue her suit as to a narrow claim concerning Christie's' alleged loss of the drawing's original frame.[1] As part of the May settlement, the parties agreed to the dismissal of that last claim.

While the court case may be settled, the jury is still out among scholars as to whether *La Bella Principessa* is really a Leonardo. (See Martin Kemp's discussion in this issue of *IFAR Journal.*)

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[1] *Marchig v. Christie's Inc.*, No. 10-cv-3624 (JGK), slip op. (S.D.N.Y. Jan. 31, 2011), *aff'd.*, No. 11-cv-461, slip op. (2d Cir. July 12, 2011).

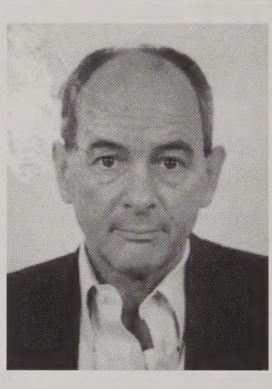
IN MEMORIAM

MIKLOS BOSKOVITS

DIED: December 19, 2011

SCHOLAR, PROFESSOR, CONNOISSEUR
OF FLORENTINE PAINTING

MEMBER
IFAR ART ADVISORY COUNCIL
1980 – 2011



WE WILL MISS YOU

MUSEUM ASSOCIATION TOUGHENS ANTIQUITIES GUIDELINES

On January 29, 2013, the Association of Art Museum Directors (AAMD), a membership association currently comprising 221 directors of the largest art museums in the U.S, Canada and Mexico, revised and toughened its guidelines on the collecting of antiquities.

The guidelines, originally drafted in 2004 and revised in 2008, govern the circumstances under which member museums may acquire archaeological material and ancient art and the transparency with which those acquisitions must be made. In 2008, AAMD's antiquities acquisition guidelines shifted from the 2004 requisite that objects have a provenance dating back at least 10 years – thereby showing that they were not recently looted – to a provenance demonstrating that they had left their countries of origin prior to November 17, 1970, the date of the adoption of the UNESCO Convention on cultural property.[1] The 1970 date (almost 13 years prior to the date that the U.S. itself became a party to the Convention) set a bright line in the sand more stringent than current law. Exceptions to the Guidelines were allowed, however, at the discretion of the museum, and an AAMD Object Registry listing and illustrating those exceptions was created in order to give notice to potential claimants. Critics complained that too few objects were posted. The latest revisions, in January, give teeth to the Registry by requiring that acquisitions posted on the Object Registry "explain how the acquisition fits one or more of the exceptions." In addition, the new Guidelines discuss gifts and bequests "made, but not carried out, prior to the 2008 revision."

Although reaffirming its commitment to acquiring antiquities according to the "highest standards of ethical and professional practice" and the "exercise of due diligence," the AAMD's latest revisions underscore the association's continued belief in the "value of licit markets" for archaeological materials and the right of their member museums "to make informed and defensible judgments about the appropriateness of acquiring" antiquities lacking a complete ownership history.

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[1] The full title is UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

LAWSUIT MAY TEST SCOPE OF ARTISTS' RIGHTS

In a case that may test the scope of the "right of attribution" under the Visual Artists Rights Act (VARA), the New York Supreme Court granted summary judgment in favor of Sotheby's on November 13, 2012, dismissing contemporary art dealer Marc Jancou's claims that the auction house breached its contractual and fiduciary obligations when it pulled a work he had consigned to a November 2011 sale.[1]

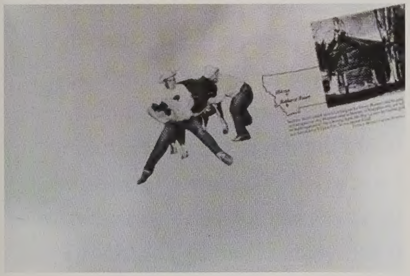

FIGURE 1. **CADY NOLAND (?) *Cowboys Milking,* 1990. Aluminum print disavowed by the artist.**

Jancou filed the claims against Sotheby's, and a related claim – ongoing – against artist Cady Noland, last February after the auction house removed Noland's *Cowboys Milking,* an aluminum print, following the artist's disavowal of authorship **(FIG. 1)**. VARA, which became law in 1990, permits such disavowal by a living artist "in the event of a distortion, mutilation, or other modification" that would be "prejudicial to [an artist's] honor or reputation." There are, however, statutory exceptions, such as when modification to a work is due to the passage of time, or results from the inherent nature of materials or from conservation.

After examining the print at Sotheby's and discovering that it had been damaged, Noland objected to its sale, saying the work "materially differ[ed] from … its creation." Ruling in Sotheby's' favor as a matter of law, the Court noted that the consignment agreement gave Sotheby's the right to withdraw "any property…if in its sole judgment there is doubt as to its authenticity or attribution" and that there was no evidence that Sotheby's had acted in bad faith. Jancou has appealed. Meanwhile, Sotheby's has counterclaimed for breach of contract and fraud, based on Jancou's failure to disclose previous restoration efforts and, perhaps more significantly, his failure to disclose that the work had previously been withdrawn from Christie's as a result of Noland's objection on the same grounds.

The Court did not address Jancou's claim against Noland for tortious interference, which remains pending. Noland, who has filed for summary judgment to dismiss the claim, also filed counterclaims seeking injunctive relief to preclude Jancou from using her name in connection with the work and to prevent its sale. The outcome of the case may help define the limits of an artist's moral and legal right to disclaim a work, and more specifically, whether Noland's disavowal of the print was valid given VARA's statutory exceptions.

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ERRATUM

In *IFAR Journal* (Vol. 13, no. 3), "Court Dismisses Suit Against Christie's for Sale of Fake Basquiat and Reveals Surprise Link to Knoedler Scandal," the last sentence on page 11, column 3, (continuing to page 12, top of column 1) has been corrected and should read as follows:

"Christie's quickly moved to have the case dismissed, arguing that (1) Shafrazi had not been harmed as a result of any alleged misrepresentations because he sold the painting to Orsi as an authentic Basquiat; and 2) … "

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[1] See *Marc Jancou Fine Art, Ltd. v. Sotheby's,* no. 650316-2012, 2012 WL 299946 (N.Y. Sup. Ct. Nov. 13, 2012.)

ALL WRAPPED UP?
SLAM AND EGYPT MAY BE CLOSE TO AGREEMENT OVER MUMMY MASK

The longstanding ownership dispute between the Saint Louis Art Museum (SLAM) and the Republic of Egypt over the beautiful yet controversial 19th Dynasty Egyptian mummy mask of Ka-Nefer-Nefer may soon be over. This fall, the parties entered into settlement negotiations, telling the federal appellate court set to hear the case that there is a "significant possibility" that an agreement will be reached.

As the *IFAR Journal* previously reported,[1] the dispute dates back to at least 2006, when Egyptian officials, claiming that the 3,000-year-old mask had been stolen from and illegally smuggled out of the country, demanded that SLAM return the mask. SLAM refused. It denied that the mask had been stolen and claimed that its 1998 purchase, which it made for $499,000 after conducting due diligence, was legitimate. In 2011, the U.S. government intervened and sued SLAM in an attempt to seize the mask and return it to Egypt. That suit was based on 19 U.S.C. § 1595a, a forfeiture statute that gives the U.S. government broad powers to seize "merchandise," including artworks and antiquities, that were stolen abroad, even if they were purchased here in good faith.[2]

SLAM so far has successfully avoided forfeiture and has won the legal (if not moral) argument. Because the factual allegations in the U.S. government's Complaint's were sparse – generally alleging that the mask went "missing" from an Egypt government-owned storage facility in 1973 and was years later purchased by SLAM from a New York art gallery – a federal district court in St. Louis dismissed the case. It held on March 31, 2012 that the U.S. had not alleged a sufficient "factual statement of theft, smuggling, or clandestine importation."[3] The U.S. then appealed to the United States Court of Appeals for the Eighth Circuit.

Mummy Mask of Ka-Nefer-Nefer. **Coll. St. Louis Art Museum.**

In October 2012, the parties informed the appellate court that they were actively exploring the possibility of a "comprehensive settlement" and believed it likely that an agreement would be reached. The court agreed to place the case in abeyance. A status report filed by the U.S. on January 17, 2013 indicated that the parties plan to meet between February 25 and 27 in the hopes of "settl[ing] this matter in its entirety, such that no further appellate proceedings will be required."[4] The court has requested another status update by April 17.

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[1] Jack A. Josephson, "Egypt and St. Louis Battle Over Mask," *IFAR Journal*, Vol. 8, no. 2 (2005/2006), pp. 7-8.

[2] *See*, Sharon Flescher and Mary Morabito Rosewater, "Forfeiture That's 'Custom Made': Is a Tough Statute the New Trend in Art Recovery? Three Recent Cases Suggest That it Is," *IFAR Journal*, Vol. 12, no. 4 (2011), pp. 10-16.

[3] *United States v. Mask of Ka-Nefer-Nefer*, No. 11-cv-504 (HEA) (E.D. Mo. March 31, 2012).

[4] *United States v. Mask of Ka-Nefer-Nefer*, No. 11-cv-504 (HEA) (E.D. Mo. March 31, 2012).

CAMBODIA'S REPATRIATION CAMPAIGN

DEVELOPMENTS IN THE CASE AGAINST SOTHEBY'S CLAIMS AGAINST THE MET AND NORTON SIMON MUSEUMS MAY BE FILED

The battle over the thousand-year-old Cambodian sandstone statue **(FIG. 1)** that was pulled from a Sotheby's, New York sale at the request of the Cambodian government continues in federal court.[1] Meanwhile, additional facts surrounding the statue's removal from Cambodia were revealed at oral argument and in a proposed amended complaint, and separate claims against both the Metropolitan and Norton Simon museums have been mentioned, but not filed by the United States government. The outcome of the dispute may turn on whether Judge George B. Daniels of the Southern District of New York rules that laws dating back to Cambodia's French Colonial period are applicable – a tall order, perhaps, since at oral argument Judge Daniels questioned whether Cambodia has ever relied on or enforced any of the cited laws and suggested that such an argument "sprung out of the U.S. Attorney's Office..."

> "The outcome of the dispute may turn on whether Judge George B. Daniels … rules that laws dating back to Cambodia's French Colonial period are applicable..."

The sculpture, a life-size Hindu warrior known as the *Duryodhana,* was slated for sale in Sotheby's' March 24, 2011 Indian & Southeast Asian auction, with an estimated value of two- to three-million dollars **(FIG. 2)**. In a pre-auction press release, Sotheby's described the figure as a "spectacular 10th century Khmer Koh Ker period Athlete... commissioned by emperor Jayavarman IV (r. 914 – 928) for his new capital at Koh Ker ..."

The cultural significance of this masterwork is undisputed. Describing the work as "one of the great achievements of Khmer art," Sotheby's noted that the statue's impressive size and quality reflected "the prestige and importance of the ruler who commissioned it, as well of the skill of his craftsmen." For its part, the United States government called it "a spectacular piece" and "a triumph of creativity and innovation."[2]

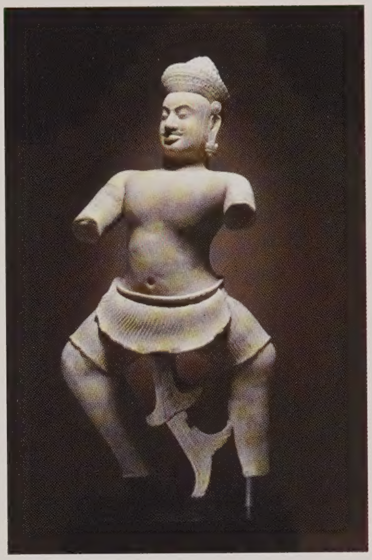

FIGURE 1. ***Athlete,*** **Cambodia, Khmer, Koh Ker period, 10th century. Sandstone. Ht: 62 ⅜" (158.4 cm). Pulled from auction and claimed by Cambodia. Photo: court documents.**

The consignor is a Belgian collector, Decia Ruspoli di Poggia Suasa, whose husband purchased the statue for £105,000 in December 1975 from the London dealer Spink & Son – one of the few facts in the case that is not in dispute. The couple displayed the work in their Belgian home for 35 years until it was shipped to Sotheby's in April 2010, in anticipation of the March 2011 sale.

On the day of the sale, however, the Secretary General of the Cambodia National Commission for UNESCO, on behalf of the

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[1] *United States of America v. A 10th Century Cambodian Sandstone Sculpture, Currently Located at Sotheby's in New York, New York ("U.S. v. Cambodian Sculpture"),* No. 12-cv-2600-GBD (S.D.N.Y. filed Apr. 4, 2012).

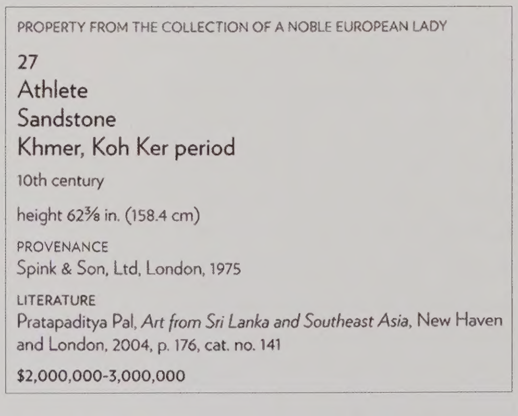
[2] Compl. ¶ 13, *U.S. v. Cambodian Sculpture,* ECF No. 1.

> "… The statue [was purchased] for £105,000 in December 1975 from the London dealer Spink & Son – one of the few facts in the case that is not in dispute."

Royal Government of Cambodia, asserted via letter that the sculpture had been illegally removed from Cambodia and requested that Sotheby's "pull the object from sale" in order "to facilitate its return to the Kingdom of Cambodia."[3] Sotheby's complied and year-long negotiations for its return to Cambodia ensued. When the negotiations failed, Cambodia asked the U.S. government to intervene.

THE LAWSUIT

On April 4, 2012, the U.S. government filed an in-*rem* action – a legal procedure allowing a court to determine title to contested property – alleging, on behalf of Cambodia, that the statue was looted from the Prasat Chen temple at the archaeological site of Koh Ker **(FIG. 3)**, capital of the Khmer empire from AD 928 to 944, located approximately 60 miles northeast of Angkor. According to the Government's complaint, Eric Bourdonneau, an archaeologist at the École Française d'Extrême Orient, examined the still extant feet of a pedestal *in situ* in the western pavilion of the temple **(FIG. 4)** and compared them to the breakage profiles of the statue offered for sale, concluding that the two were once joined. *When* and *how* the body was separated and removed, however, is disputed, and despite the compelling evidence of the statue's original location, to succeed in its action the U.S. government must demonstrate that the sculpture was *stolen*, not just removed, from Cambodia. Using the *McClain/Schultz* test articulated in three Court of Appeals' decisions, this presumably means demonstrating that Cambodia has a law that clearly and unambiguously declared itself owner of the sculpture, thus making its removal a theft.[4]



PROPERTY FROM THE COLLECTION OF A NOBLE EUROPEAN LADY

27
Athlete
Sandstone
Khmer, Koh Ker period
10th century
height 62⅜ in. (158.4 cm)

PROVENANCE
Spink & Son, Ltd, London, 1975

LITERATURE
Pratapaditya Pal, *Art from Sri Lanka and Southeast Asia*, New Haven and London, 2004, p. 176, cat. no. 141

$2,000,000-3,000,000

FIGURE 2. Detail, Catalogue Page, Lot 27, Indian & Southeast Asian sale. Sotheby's, New York, March 24, 2011.

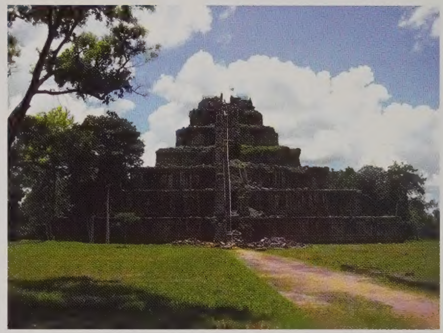


FIGURE 3. Prasat Thom Temple, Koh Ker, Cambodia, ca. AD 928-944. Photo © Thomas Wanhoff.

To prove that Cambodia owns the statue, the Government cites several decrees promulgated in the early 20th century when Cambodia was a French colony, including:

- a 1900 decree that "establishes a baseline level of protection for art and archaeology in French Indochina, including Cambodia," by explicitly recognizing that "art and archaeology above and below ground" is an "inalienable and imprescriptible" part of the "national domain";
- a May 1925 decree that classified Koh Ker, including the Prasat Chen temple, as part of the national domain; and
- a July 1925 decree that "reiterated earlier protections regarding classification and expanded upon

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[3] *Id.* at ¶ 33.

[4] *See United States v. Schultz*, 333 F.3d 393 (2d Cir. 2003); *United States v. McClain*, 593 F.2d 658 (5th Cir. 1979); *United States v. McClain*, 545 F.2d 988 (5th Cir. 1977).

them … [and] also criminalized violations of the law related to historical monuments and objects."[5]

One day after the Government filed its Complaint, Judge Daniels issued an injunction prohibiting Sotheby's from "selling, transferring or otherwise disposing of, or removing" the sculpture, but leaving it in Sotheby's' possession.

THE MOTION TO DISMISS

On June 5, Sotheby's and Ms. Ruspoli, as claimants to the property, filed a motion to dismiss the suit, arguing that the Government had failed adequately to allege that the statue was stolen or that Sotheby's and/or Ms. Ruspoli knew it was stolen, and asserting that the Government had not met its burden to show that the statue remained stolen when it was imported into the U.S. To sur--vive the motion, the Government needs to show sufficiently detailed facts to support a reasonable belief that it will be able to meet its burden of proof at trial.[6]

At heart is the issue of how to interpret the French Colonial decrees and whether they remained in effect in modern Cambodia, which became an independent country in 1953. If the French Colonial decrees do not "clearly and unambiguously" vest ownership of the statue (or any other cultural property) in Cambodia, then the Court presumably will decline to apply them.

Arguing that the Colonial decrees do not, in fact, clearly or unambiguously declare Cambodia's ownership of all antiquities, Sotheby's and Ms. Ruspoli cite the 1900 decree, which provides that "expropriation [or state ownership] of a classified immovable property may not be pursued without prior authorization by the Governor General" and note that if 'classifying' property in and of itself vested its ownership in the state, there would be no need to separately 'expropriate' it.[7] Furthermore, they say, the recognition of private ownership of cultural property explicit in the July 1925 decree is inconsistent with the U.S. government's theory that the state owned all such property.

In response, the Government is relying upon a 48-page declaration by a Cambodian cultural property law expert who examined dozens of documents and consulted with Cambodia's Ministry of Culture to conclude that the decrees do in fact vest ownership in Cambodia.[8] The Government also asserts that a motion to dismiss is not the proper vehicle for a court to construe a foreign country's patrimony laws, as the *McClain/Schultz* results occurred only after evidentiary hearings to examine the language, history, and purpose of contested laws.

Even if the Court determines that the Colonial decrees do vest ownership in Cambodia, the Government presumably also has to show that Cambodia has *enforced* them in order for a U.S. court to use them as the basis for determining the validity of an ownership claim. Unlike countries such as Italy and Greece, Cambodia has not heretofore actively enforced ownership laws.[9]

Moreover, Sotheby's and Ms. Ruspoli argue, the Government has not even shown that the statue was located in Cambodia in the early 20th century when the French Colonial decrees were issued, or anytime thereafter. They cite a 1939 archaeological survey of Koh Ker conducted over the previous 15 years, which includes five pages describing the Prasat Chen temple yet fails to mention the sculpture or its companion work, now located in the Norton Simon Museum. The only reasonable conclusion, they say, is that the statue was not at Koh Ker when the survey was conducted. Bourdonneau, the Government's expert archaeologist, however, concluded, based on the same survey, that the statue was looted sometime after 1960. In subsequent filings, the Government has specified 1972.

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[5] *See* Compl., *supra* note 2, at ¶¶ 37-38.

[6] *See* Supp. R. for Admiralty or Maritime Claims and Asset Forfeiture Actions G(2)(f).

[7] Br. Supp. Mot. Dismiss 14, *U.S. v. Cambodian Sculpture,* ECF No. 17.

[8] Br. Opp'n Mot. Dismiss 10, *U.S. v. Cambodian Sculpture,* ECF No. 29.

[9] The U.S. and Cambodia do, however, have an agreement regarding importation into the U.S. of Cambodian cultural objects. Emergency restrictions were enacted in 1999 under the Cultural Property Implementation Act to prohibit the import of Khmer stone sculpture and architectural elements that lack either an export permit or documentation demonstrating that they left Cambodia prior to December 2, 1999. A bilateral agreement was signed by Cambodia and the U.S. in 2003, renewed and expanded for five years in 2008, and is currently being considered for renewal through 2018. The Cambodia-U.S. agreement, however, concerns importation and not ownership of objects and does not apply here in any case, as the contested statue had left Cambodia and was in England by 1975.

Even if the Government can show that the statue was stolen when it was removed from Cambodia, it will likely also need to demonstrate that the statue *remained* stolen when it was imported into the U.S.[10] Sotheby's and Ms. Ruspoli have argued that, as the work was acquired in London in 1975, British law should govern whether Ms. Ruspoli acquired title by prescription in accordance with a British statute of limitations that extinguishes claims after six years. Unsurprisingly, the Government counters that this is a mischaracterization of British law, which may not even be applicable, as no choice of law analysis has been performed.

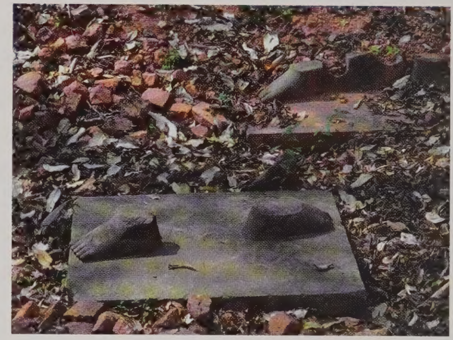

FIGURE 4. Statue segments, feet, *in situ* in Cambodia. Photo: Courtesy Tess Davis and ChasingAphrodite.com

Regardless of whether the Government can demonstrate that the statue was and remained stolen, it may find it difficult to prove scienter, knowledge that it was stolen, given that Sotheby's accurately described the statue to U.S. Customs, put it on the cover of their auction catalogue, and notified Cambodia of the upcoming sale. The Government argues, however, that Sotheby's, a sophisticated art market player, must have been aware of the rampant looting of Cambodian antiquities during the 1960's and 1970's and points to email exchanges in which an art historian, now identified as Emma Bunker, advised Sotheby's that, "The Cambodians in Phnom Penh now have clear evidence that [the statue] was definitely stolen from Prasat Chen at Koh Ker, as the feet are still *in situ*."[11]

Sotheby's counters that it had no knowledge of the "unclear patchwork of French Colonial texts – no longer on the code books of the modern nation of Cambodia" and that the "unsolicited opinion of a free-lance [art historian] who offered no view on such critical questions as *when* the statue left Cambodia, *who* owned it under Cambodian law at that time, or *what* was the significance of the 1975 London sale" would not have been determinative of a complicated legal issue for an organization with compliance and legal departments.[12] Notably, the art historian retracted her opinion after learning that Cambodia's Minister of Culture had commented that his focus was to stop anything from being exported from Cambodia *now*, not to go after pieces that left years ago when there were no restrictions.[13]

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[10] *See United States v. Portrait of Wally*, 663 F.Supp. 2d 232, 251-52 (S.D.N.Y. 2009) ("To prove that [the object] is subject to forfeiture, the Government…must show that…it remained stolen when shipped to this country.").

[11] Br. Opp'n Mot. Dismiss, *supra* note 8, at 28 (quoting Compl. ¶ 24).

[12] Br. Supp. Mot. Dismiss, *supra* note 7, at 26-27.

[13] *Id.* at 28.

ORAL ARGUMENT

During oral argument, on September 27, the Court seemed most interested in four issues: whether the French Colonial decrees are clear and unambiguous patrimony laws; whether Cambodia has ever enforced the decrees; Sotheby's' knowledge as to whether the statue was stolen; and when the statue was removed from Cambodia. The Judge's comments made clear that the case is not a slam dunk for either side.[14]

The parties disagreed on virtually all aspects of the French Colonial laws – whether they are ownership laws; whether they have been enforced; and even the meaning of specific words. According to Sotheby's and Ms. Ruspoli, the Government's 48-page expert affidavit would not be necessary if the laws were clear; moreover, they say, the May 16, 1925 decree is ambiguous on its face. While both sides agree on the accuracy of the translation of the May 1925 law, including the sentence: "The real estate and tangible moveable items located within the territorial limits of the Indochinese Union ... are classified among the monuments and historic objects of French Indochina," the Government interprets "of French Indochina" to mean "belonging to," whereas the claimants contend that it means "located in."

To counter Sotheby's' assertion that the Cambodian decrees are ambiguous, the Government points to Article 17 of the 1900 decree: "Ownership of art or archaeological objects which may exist on or in the soil of immoveable properties constituting a part of the national domain in Indochina... shall be reserved for the domain." Judge Daniels rejected this argument, analogizing, "I'm in Yellowstone Park and find $5, I am not going to say it belongs to the government just because it is lying in the park. That doesn't follow."

Similarly, the Judge appeared skeptical as to Cambodian enforcement of the laws, asking, "Am I to assume that not once in 87 years has the Cambodian government ever relied on any one of the decrees that the U.S. government is relying on to assert their ownership over some antiquity? I am not even sure they have asserted that in this case... It seems like the U.S. government is asserting that... but [Cambodia] didn't cite this as their interpretation when they asked for the statue back, nor did they ever take this position in almost 100 years." When the Government was unable to provide any specific instance of Cambodia enforcing the decrees, Judge Daniels added, "No one has ever made this argument before...[it]...sprung out of the U.S. Attorney's Office..."

"The judge's comments [during oral argument] made clear that the case is not a slam dunk for either side."

The auction house didn't come off easily either. "Sotheby's is a sophisticated company," said the Judge, they "probably could assume...that if the statue was lopped off at its feet...it was obviously taken from someone under some circumstances that might imply that they just walked into the forest and took it." Sotheby's provided several reasons why it believed the statue was not stolen: (1) its 40-year provenance pre-dates the modern nation of Cambodia; (2) the companion statue, bought at Spink & Son around the same time and openly displayed at the Norton Simon Museum, has not been subject to any claim; (3) the Cambodian Ministry of Culture's unofficial statement that Cambodia was not interested in going after things that left years ago when there were no restrictions; and (4) they were not aware of the French Colonial decrees.

Finally, Judge Daniels asked a key question that neither side was able to answer: *when* was the statue removed from Cambodia? Acknowledging the "total chaos" that consumed Cambodia in the mid- to late-1960's, the Judge nonetheless rejected the Government's suggestion that *anything* stolen out of Cambodia was likely stolen during that period. The Government represented that, based on interviews with people conducted during ongoing discovery, the statue was in Cambodia "up through 1960." When asked whether it thought it would be able to obtain evidence that Sotheby's was aware of the circumstances of the statue's removal from the temple, the Government asserted, "Your Honor it's possible that we will."

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[14] *See* Oral Arg. Transcr., *U.S. v. Cambodian Sculpture*, ECF No. 34.

> " 'Am I to assume,' the judge asked, 'that not once in 87 years has the Cambodian government ever relied on any one of the decrees that the U.S. government is relying on? ...' "

AN AMENDED COMPLAINT?

With a ruling on the Motion to Dismiss pending, the Government sought leave on November 9 to file a Proposed Amended Complaint. As IFAR went to press, however, leave has not been granted. In the new filing, the Government adds numerous factual allegations regarding the removal of the statue from Cambodia and Sotheby's' knowledge thereof. For example, the Government now alleges that the statue was stolen in 1972, "with the head removed first and the torso afterwards … via an organized looting network" involving local teams of looters and Thai brokers, an unnamed collector (now known to be Douglas Latchford, a British citizen who lives in Thailand and co-author of several books on Khmer Art), and Spink & Son.[15]

The Government alleges that Sotheby's and Ms. Ruspoli knew Latchford had sold the statue in 1975 and that Sotheby's knowingly omitted information about his pre-1975 acquisition in its provenance. Latchford, however, has said that he had the work on reserve at Spink & Son but that he never purchased it.[16] The Proposed Amended Complaint also claims that, since Koh Ker and the Prasat Chen temple were built by an emperor, they were constructed by the Cambodian state and were, thus, at all times state property. The Government also provided one instance in which Cambodia has enforced a patrimony law. Sotheby's and Ms. Ruspoli filed opposition to the Government's request – arguing that the Proposed Amended Complaint fails to state a claim and that they have been prejudiced by the Government's delay in adding this additional information.

It is unclear which of the two pending motions the Court will rule on. If the Motion to Amend is granted, the Government's additional facts would supersede its previous allegations; whereas if it is denied, the Government must rely on the facts in its original Complaint. Either way, or if the Motion to Dismiss is denied, the case would continue, possibly to trial. If the Motion to Dismiss is granted and not appealed, however, the case would end in favor of Sotheby's and its consignor.

CLAIMS AGAINST THE NORTON SIMON AND METROPOLITAN MUSEUMS?

In the meantime, during oral argument on the Motion to Dismiss, the Government revealed that it is currently investigating whether there is enough evidence to file a civil forfeiture complaint with respect to the companion statue, similar in posture and physical appearance, that has been on display in the Norton Simon Museum since 1980 **(FIG. 5)**. While Emma Bunker, the art historian consulted by Sotheby's, said that Cambodia's Minister of Culture assured her that Cambodia was aware of the Norton Simon sculpture yet had no intention of reclaiming it,[17] the

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[15] Proposed Am. Compl. ¶¶ 17-20, *U.S. v. Cambodian Sculpture,* ECF No. 39, Ex. A.

[16] *See* Tom Mashberg, "Claims of Looting Shadow Expert in Khmer Art," *New York Times,* December 12, 2012, p. C1.

[17] *See* Br. Supp. Mot. Dismiss, *supra* note 7, at 28.

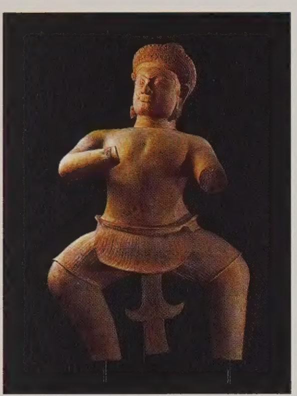

FIGURE 5. ***Temple Wrestler,* Cambodia, Koh Ker, Angkor Period, c. 925-50. Sandstone. 61 ¾" (156.8 cm). Norton Simon Museum, Pasadena. (M1980.15.S). Acquired in 1976. Photo © 2012 Norton Simon Art Foundation.**

Government asserted otherwise: "We can certainly represent to you here that Cambodia in fact requested us to pursue any actions we can take to recover the statue from the Norton Simon, which they do assert is the property of Cambodia under the same laws as are being asserted here…we still have to identify the evidence of how they were sold, what the Norton Simon was told about them at the time, any other evidence beyond their pure provenance that would indicate [Norton Simon's] knowledge that it was stolen." No claim, however, has yet been filed against the Norton Simon Museum.

Additionally, according to an article in the *New York Times,*[18] which has followed the story very closely, the Deputy Director for Cultural Heritage and Fine Art in Cambodia has said that Cambodia believes that two life-sized 10th-century statues that have anchored the Metropolitan Museum of Art's Southeast Asian galleries for nearly two decades **(FIG. 6)** were also looted and that it is compiling evidence before asking for their return. Known as the *Kneeling Attendants,* experts believe that these figures also originate from the Prasat Chen temple – possibly as part of a grouping with the two Koh Ker warriors at Sotheby's and the Norton Simon Museum.

While no formal claim against the Met has been made public, Im Sokrithy, director of Apsara, a Cambodian agency responsible for the protection and management of the region, has stated, "The [Cambodian] government is very serious about moving this forward, and we are getting much legal advice…We are taking a forceful position, and we hope they can be returned."[19]

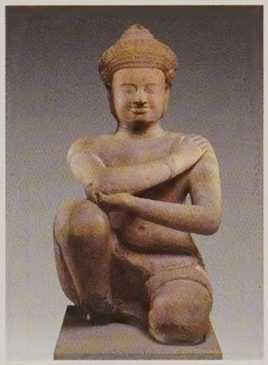

FIGURE 6. ***Head of a Wrestler* combined with the body of *Kneeling Male Attendant,* Cambodia, Khmer style of Koh Ker, Angkor period, 10th century. Stone. Overall Ht: 46 ¼" (117.5 cm). Metropolitan Museum, New York. (*Head:* 1987.410; *Body:* 1992.390.1). Photo © The Metropolitan Museum of Art / Art Resource, NY.**

While in a recent interview, Prince Ravivaddhana Sisowath of Cambodia's royal family said, "Whatever American museums have of Cambodian art, I believe they should keep…,"[20] some members of Cambodia's ruling government seem to feel otherwise. Regardless of the outcome in the current dispute, the world is on notice that Cambodia is joining the ranks of countries such as Italy, Greece, and Egypt, anxious to lay claim to its ancient heritage and willing to fight for its return.

ANN-MARGRET GIDLEY,
IFAR LEGAL RESEARCH ASSOCIATE
and **S. F.**

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[18] Tom Mashberg and Ralph Blumenthal, "Cambodia Says It Seeks Return of Met Statues," *New York Times,* June 2, 2012, p. A1.

[19] *Id.*

[20] *See* Noah Charney, *Preserving Patrimony: Prince Ravivaddhana Sisowath on the Heritage of Cambodian Art,* Blouin ArtInfo Blog (Dec. 26, 2012), www.artinfo.com.

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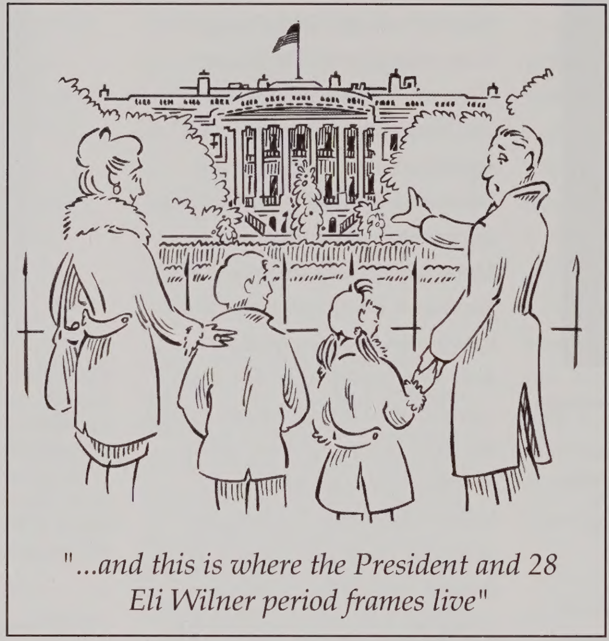
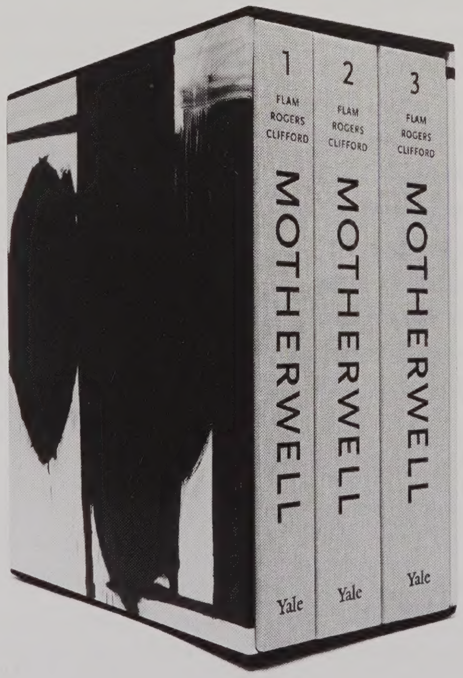

"...and this is where the President and 28
Eli Wilner period frames live"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EDITOR'S NOTE:

At a May 2011 IFAR Evening on "What Frames Can Tell Us," Laurence Kanter, the Lionel Goldfrank III Curator of Early European Art at the Yale University Art Gallery, discussed the recent reframing of the Gallery's van Gogh painting, The Night Café. Its gilded 18th century frame was replaced with a simple, dark 20th century frame. The reaction to the new frame was not universally positive, as became clear in the Q&A, period. The following two articles carry on that conversation, first by Elizabeth Easton, the Director of the Center for Curatorial Leadership, who introduced the speakers at the IFAR Evening and participated in the Q&A, and then by Jared Bark, CEO of Bark Frameworks, the company that designed the new frame. We present the articles in the spirit of scholarship and continuing dialogue.

IMPRESSIONIST FRAMES—CONTINUING A DIALOGUE

ELIZABETH EASTON*

In a letter of 1887, Camille Pissarro wrote to his son about a frame he had designed which would satisfy his own aesthetic ambitions without offending his dealer, Georges Petit. Like many of his fellow Impressionists, Pissarro abhorred the gilded Louis XVI frames upon which dealers and collectors of the time insisted. He preferred simple, unadorned frames whose colors harmonized with those of the work itself. But he was also a realist. "I had," he wrote, "foreseen the difficulties with white frames (that risked provoking another huge cry of protest), so I took the decision to have frames made in oak with a laurel border of gold on the outside, and bands of white on the painting, so that, thus transformed, I thought to reconcile the harmony of the other frames with mine without destroying the harmony of my paintings."[1]

But right before the exhibition opened, Petit gilded the entire frame. With this, Pissarro felt that the oak moulding was degraded to mere decoration, and far worse in the artist's eyes, the calculated intensity of the colors that the white was intended to highlight, was completely lost.

This dismaying anecdote serves, I think, as a suitable introduction to the subject of artist-designed frames, which was raised by an *IFAR Evening* on frames in 2011, and which clearly merits deeper attention than we could give it then. The whole subject of artists' designs for frames didn't really emerge until the second half of the 19th century, when academic hegemony over the presentation of pictures began to be challenged by a variety of artists in Europe. In the 1860s the pre-Raphaelites designed simple gilded mouldings for their pictures, of flat panels with a raised outer edge and sometimes simple ornament in the corners. Pissarro and Edgar Degas began

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* Elizabeth Easton, Ph.D., is Director of The Center for Curatorial Leadership and former Curator and later Chair of the Department of European Paintings and Sculpture at the Brooklyn Museum of Art. She is also a Member of IFAR's Board of Directors.

[1] Letter from Camille Pissarro to Lucien Pissarro, 17 March, 1887, quoted from *Correspondance de Camille Pissarro,* ed. Janine Bailly-Herzberg, vol. 2, Paris 1986, no. 406, p. 144.

"There remain but a handful of original frames designed or made for the paintings of the Impressionists and the Post-Impressionists. They are easy to identify because, in general, they are simple to the point of austerity."

putting their pictures in white surrounds in the late 1870s, followed by colored mouldings that were often complementary to the predominant tone of the picture. Degas began designing frames by 1878, drawing them in profile and sometimes to scale. Overall, there are more than forty profiles that exist in Degas' notebooks from the late 1870s-1880s; the shapes of these mouldings can be complex in terms of the raised and recessed areas of both the front and the side, but not a single frame designed by Degas contains ornament.

The painted frames and the simplicity of Impressionist frame design elicited a vocal reaction from critics; this constituted a radical departure from the academic preference of the day, which consisted of Louis-style carved frames or pastiche frames made with some moulded composite. The young critic Jules Laforgue wrote in 1883 that the Impressionists:

> "have substituted intelligent, refined, imaginative frames for the old gilt frames which are the stock and trade of academic convention. A green sunlit landscape, a white winter beach, an interior with dazzling lights and colorful clothes all require different sorts of frames which the respective painters alone can provide...some of the new frames are in solid colors: natural wood, white, pink, green, jonquil yellow and others are lavish combinations of colors and styles. While this new style or frame has had repercussions in official salons, there it has produced nothing but ornate bourgeois imitations."[2]

Though some critics championed this radical departure from the Salon-proscribed norm, very few of these original frames survive. These simple painted mouldings were often taken off pictures immediately upon arrival at the dealer's gallery. At other times, the dealer would gild the mouldings so the picture would look more like the rest of the pictures in the gallery and be more appealing to clients imagining these pictures in their gilded interiors — thus Pissarro's failed attempt to minimize the damage.

While many of the pre-Raphaelite frames do survive, there remain but a handful of original frames designed or made for the paintings of the Impressionists and the Post-Impressionists. They are easy to identify because, in general, they are simple to the point of austerity. On the whole, they are completely without ornament and do not interfere with the radical spatial complexities these painters sought to achieve in their canvases. We are so accustomed today to seeing Impressionist and Post-Impressionist pictures on everything from calendars to umbrellas that it is almost impossible to recreate the shocking effect that they had when originally exhibited, and the radicalism of the painters' intentions. When we are struck by an austere frame on an Impressionist or Post-Impressionist picture that may look strange to our eyes, it might be precisely because that picture retains an original frame, possibly even one designed by the artist. This viewing experience, by its very unusualness, goes some way to recreating the shock value that the painting might originally have had when first exhibited.

Some of the early collectors of Impressionism respected the intentions of the artist for the presentation of his work. Louisine Havemeyer was particularly sensitive to Degas' framing sensibility: "Degas once told me he considered it an artist’s duty to see his pictures properly framed, and that he wished the frame to harmonize and to support his pictures and not crush them as an elaborate gold frame would do …The first thing I did to many a Degas that we purchased from amateurs was to remove the atrocious heavy gold frame which the owners probably thought gave the picture more importance and to restore it to its original frame if possible or provide it with one Degas could approve”.[3]

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[2] Jules Laforgue, *L'Impressionnisme,* 1883, reprinted in *Mélanges posthumes,* 1903, p. 145.

[3] Louisine Havemeyer, *Sixteen to Sixty: Memoirs of a Collector* (New York: Ursus Press, 1993), p. 250.

But even Havemeyer could not control the framing of an Impressionist painting once it left her own hands. She found her very first purchase, a Degas ballet scene, transformed in the exhibition to which she had lent it in New York in 1886: “We finally found our pastel skied upon the wall of a small room and alack! and alas! the delicate gray and green frame had been generously treated to a thick coating of brilliant gold bronze[. . .] With infinite pains I had the frame restored . . .”[4]

Recent research has brought to light more original documentation about the intentions of painters for the presentation of their work. And yet, of course, even in the 21st century, the same considerations for framing still obtain. A dealer may want to convey the value of the picture by putting it in a gilded frame. A collector may agree with this strategy, and also consider the interior decoration that provides a milieu for the picture. Museums have a freer hand, since the galleries in which pictures hang tend to be absent any decorative context. So curators have the luxury of being able to focus on the picture itself, noting that the overall gallery has to convey some harmony in the presentation of frames.

The reframing of Impressionist pictures by museum curators is documented as early as 1946, by the great chief curator of the Louvre, Germain Bazin, who was presenting the collections anew after the end of World War II. He stated: “Where Old Masters are concerned, all that is necessary is to find frames of the same period, or nearly the same period, suitable for the works in question; but the trouble with the frames of the Impressionist period is that they reflect the hopeless decadence of the decorative arts at the very time when painting itself was taking on a new lease on life…. Practically all the frames in the Louis XIV style were unsuitable and we did away with them.”[5]

Jared Bark’s essay in this issue of the *IFAR Journal* on the reframing of van Gogh’s *Night Café* follows a heated discussion at the IFAR panel in the spring of 2011. Having delved into van Gogh’s voluminous correspondence to highlight many of the artist’s own desires for the framing of his work, Bark designed a frame specifically to address these intentions. The history of framing decisions for the picture includes, on the one hand, the frame style preferred by the collector Stephen C. Clark, who bequeathed the picture to the Yale Art Gallery, and on the other hand, Bark’s framing strategy, which addressed the artist’s intentions as well as the Louis Kahn modernist masterpiece in which the picture now hangs, and other pictures in the collection.

The framing of a masterpiece is a wonderful topic to discuss, and it is gratifying that *IFAR Evenings* yield such rich and lively debate that we can offer a further contribution to scholarship in the following article by Mr. Bark.

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[4] Ibid, p. 251.

[5] Germain Bazin, “Principes d’encadrement des peintures anciennes,” Mouseion, Office international des musées, Paris, 1946, no. 5-56, pp. 279-306.

FRAMING VAN GOGH'S *THE NIGHT CAFÉ*

JARED BARK*

Vincent van Gogh wrote frequently and articulately about the framing of his work. Yet the presentation of his pictures rarely reflected his preferences. A telling example is *The Night Café* (**FIG. 1**), a major work in the collection of the Yale University Art Gallery, whose framing was discussed at a recent *IFAR Evening* and in the *IFAR Journal* (Vol. 13, nos. 1&2).

> “Framing for this picture has not always corresponded to van Gogh’s vision of the subject or his attitude toward frames.”

The picture was painted while the artist was living in Arles, in September, 1888. As art historian Meyer Schapiro noted: “Van Gogh judged *The Night Café*, which he painted for his landlord to pay the rent, ‘one of the ugliest pictures I have done’. Yet, it gave him great joy to paint, and there are few works on which he has written with more conviction. ... He has gone here beyond the agreeable side of the café world, imaged by the Impressionists, to its darker disquieting moments.”[1] Framing for this picture, however, has not always corresponded to van Gogh’s vision of the subject or his attitude toward frames.

Van Gogh took an early interest in how his works were to be presented. He had drawings matted: “I feel happy using a brown passe-partout with a very deep black inside edge. Then many blacks that would appear too black in a white passe-partout look grey and the whole remains clear.”[2] He put painting studies “in black wooden frames — which I’m looking for at a carpenter’s here — I prefer to see my work in a deep black frame, and he makes them cheaply enough.”[3] Cost figured in the equation, but his focus on how his work would be seen was central. He continues in the same letter, “No more than I approve of its just lying about, do I want my work to

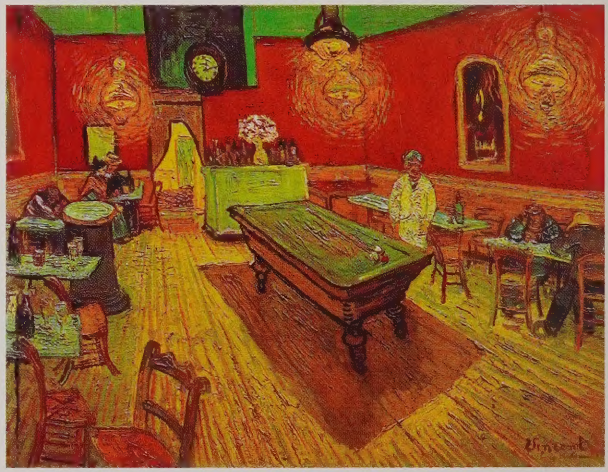

FIGURE 1. **Vincent van Gogh. *The Night Café,* 1888. Oil on canvas. 72 x 92 cm. Yale University Art Gallery. 1961.18.34. Bequest of Stephen Carlton Clark.**

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[*] Jared Bark is founder and CEO of Bark Frameworks, a custom fine art frame company in New York that specializes in works from the mid-nineteenth century to the present. Established in 1969 in Manhattan with artists forming the core of the firm’s early client base, Bark Frameworks has consolidated its showroom and work facility in a landmark building in Long Island City, Queens. Bark is the author of many articles on framing, including “Preservation/ Conservation Framing,” published as a supplement to *Picture Framing Magazine,* 1993. He co-authored, with Elizabeth Easton, “ ‘Pictures properly framed’: Degas and innovation in Impressionist frames,” in *The Burlington Magazine,* CL, September 2008.

[1] Meyer Schapiro, *Van Gogh* (New York: Harry N. Abrams, 1983), p. 26.

[2] Letter to Anthon van Rappard. The Hague, 15 June, 1883, letter # 354. *Vincent van Gogh — The Letters: The Complete Illustrated and Annotated Edition.* Leo Jansen, Hans Luijten and Nienke Bakker, eds. (London: Thames & Hudson, 2009). Also at http: //www. vangoghletters.org. Unless otherwise noted, all van Gogh letters cited in this article are to this edition.

[3] Letter to Theo van Gogh. Nuenen, on or about Sunday, 2, March, 1884, letter #432.

be displayed in fluted frames in the leading galleries you see." This is a revealing comment. Of the variety of standard gallery frames at the time, fluted scotia frames were among the most restrained. Though they boasted acanthus leaf flourishes in the corners, they were straight-sided and uncarved, and by no means as ornamental as the latter-day versions of Louis XIII, XIV and Régence-style "compo" frames that crowded the salons and galleries. Van Gogh favored simplicity beyond even the most austere conventions of the time.[4]

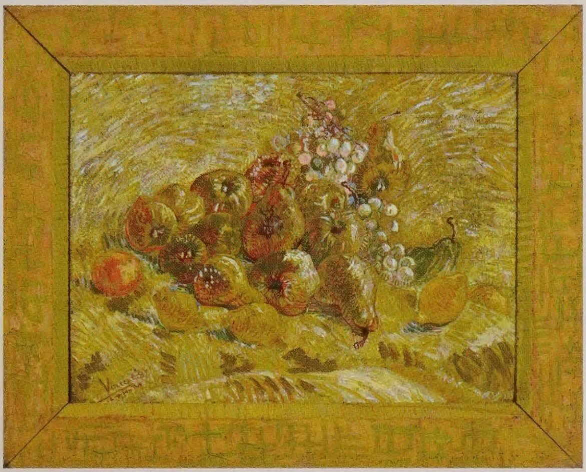

FIGURE 2. ***Still-life with quinces, lemons, pears and grapes*, 1887. Oil on canvas. 48.5 x 65 cm. Van Gogh Museum, Amsterdam, F383. This work is in its original frame.**

In roughly twenty-five letters, mostly to his brother Theo, van Gogh expressed his thoughts on framing his work. After arriving in Paris in 1886, he had been impressed with the framing innovations of the Impressionists, and like them, he generally chose painted frames. As well as specifying black frames early on, he occasionally expressed his preference for white frames; he wrote from Arles specifying that a study should be framed "with a simple all-white frame" and "for the white orchard we need a cold and raw white frame."[5]

He also chose frames painted in colors that were complements to the dominant colors of the picture.[6] In this he was following the lead of the Impressionists as well. No black or white frames, or any painted in the complementary manner survive, although one painting, *Still-life with quinces, lemons, pears, and grapes* painted a year before *The Night Café,* still bears its original frame (**FIG. 2**). Except for the beveled inner band, the frame is a simple flat panel, painted by the artist in yellows similar to the tonal range of the picture. Parallel brushstrokes animate the plane of the frame's inner edge and rough cross-hatched strokes are dispersed across the outer panel. The surface suggests, perhaps, the play of light on an ornamented gold frame, or a series of Japanese characters. What is more certain is that, unlike the brushstrokes in the painting, which conform to the rounded shapes of the fruit, the horizontal and vertical strokes on the frame echo the lines of the frame.

Soon after van Gogh moved from Paris to Arles, he was joined there by Gauguin. In preparing for his friend's arrival, he chose walnut furniture for Gauguin's bedroom. This, according to Louis van Tilborgh, "was also the wood he chose to go around his garden views, which he had painted specially for Gauguin."[7] He was particular about the species of woods he chose for frames. He referred to using walnut frames in several of the Arles letters, mentioned oak frames twice, and in one letter mentions chestnut and pine as well as walnut.

Although economizing on frames continued to be a consideration, it never appeared to outweigh van Gogh's concern for the proper display of his work.

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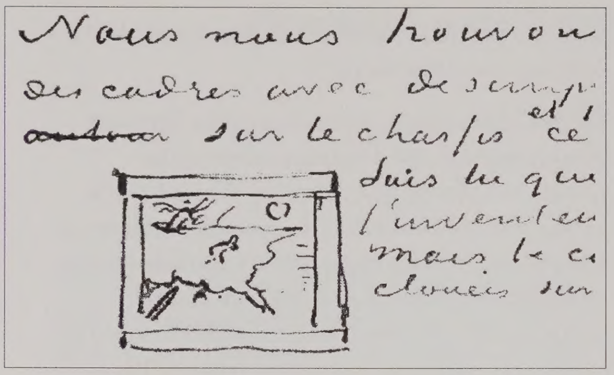
[4] In the fall of the following year, van Gogh wrote his uncle Cornelis Marinus van Gogh, "If you perhaps have any old fluted frames that you don't have an immediate use for, I should like very much to trade one of these 4 studies for a frame." Even if we conclude that van Gogh, like the Impressionists, was not always consistent in rejecting conventional framing, a fluted frame is nonetheless simpler in design than a Louis XIV or XV style frame.

[5] Letter to Theo van Gogh. Arles, 28 May, 1888, letter #615.

[6] Louis van Tilborgh notes that *The Night Café,* while in Theo's collection, was framed in red, "probably to bring out the green in the composition." Louis van Tilborgh, "Framing van Gogh," in *Perfect Harmony,* ed. Eva Mendgen (Zwolle, The Netherlands: Waanders Publishers, 1995) p. 170.

[7] Ibid, p. 168.



Nous nous trouvon
des cadres avec de simp
~~[illegible]~~ sur le chassis et ce
suis le que
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FIGURE 3. **"We're very satisfied with making frames with simple strips of wood nailed on the stretching frame and painted, which I've started doing." Sketch from letter to Theo van Gogh, Arles, November 10, 1888.**

In a letter to his sister he wrote: "The frames I use cost me 5 francs at the most, while the less solid gilded frames would cost 30 or more. And if the painting looks good in a simple frame, why put gilding around it?"[8] He and Gauguin considered their simple frames carefully: "We're very satisfied," he wrote to Theo, "with making frames with simple strips of wood nailed on the stretching frame and *painted*, which I've started doing. … we're certainly going to perfect it. It serves very well, since this frame doesn't stick out at all and is one with the canvas"[9] (**FIG. 3**).

THE NIGHT CAFÉ

The Night Café was given to the Yale University Art Gallery as part of the bequest of the American collector Stephen Carlton Clark in 1961 (**FIG. 4**). The picture had been in the collection of Russian industrialist Ivan Morozov and then in Moscow's Museum of Modern Western Art before being sold by the cash-strapped Soviets in the 1930s. A short time later, it was bought by Clark from the Knoedler Gallery in New York. It stayed in Clark's frame until 2009 (**FIG. 5**), when the Yale Art Gallery decided to review its presentation and consider the artist's predilections for the framing of his work.

Clark's carved and gilded frame was of the same genre that Impressionist and Post-Impressionist dealers, beginning with Durand-Ruel, preferred to the austere frames the artists chose or designed themselves. Gold paid homage to the way academic paintings had always been presented, and thus seemed to exert both a civilizing influence on these radical canvases and a note of reassurance to ambivalent collectors.[10]

Van Gogh describes *The Night Café* as "a place where you can ruin yourself, go mad, commit crimes … in an ambience of a hellish furnace, in pale sulphur."[11] It is a harsh scene, shocking in both subject and execution, and painful to contemplate. Critics have noted: "It is difficult to imagine how Stephen Carlton Clark, who made a gift of it [to Yale], could have managed to have it in his home. Was the gilded frame his idea, I wonder? Did he think to make it presentable?"[12]

The impulse to moderate or make acceptable the impact of a passionate, unsettling painting by means of elegant framing may evolve over time into an intention to honor the work, now appreciated as a chef d'oeuvre — and these diverse goals may be attained by the same impressive frame. As Nicholas Fox Weber wrote in 2007, "*The Night Café* has achieved the status of a masterpiece, and most viewers of the canvas in its ornate gilded frame are aware of its virtually inestimable financial worth."[13]

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[8] Letter to Willemien van Gogh. Saint-Rémy-de-Provence, on or about Monday, 21 October 1889, letter #812.

[9] Letter to Theo van Gogh. Arles, Saturday, 10 November 1888, letter #718. In several other letters from Arles, van Gogh used the word "simple" in describing his frames: in his letters to Theo van Gogh of 28 May, 1888; 8 October, 1888; 23 May, 1889; and to Willemien van Gogh, from St. Rémy, 21 October, 1889.

[10] This point has been made much more forcefully: "Framing a picture is an act of appropriation. Framing an acquisition offers the opportunity to the private owner to embrace his conquest, to domesticate it, to adapt it to his own ambience, and finally to subject it to his own taste." Fred Leeman, former chief curator of the van Gogh Museum ["the Art of Framing" in *Christie's International Magazine*, March-April 1990.]

[11] Letter to Theo van Gogh. Arles, Sunday, 9 September 1888, letter # 677.

[12] Stephen Vincent Kobasa, "Curing Iconophobia," *New Haven Advocate*, 7 Aug. 2008.

[13] Nicholas Fox Weber, *The Clarks of Cooperstown* (New York: Random House, 2007), p. 296.

Whether moderating or honoring, to employ such a frame ignores van Gogh's designs for framing his work. What is more, this frame was formally at odds with the picture. In describing *The Night Café,* Meyer Schapiro noted "the absorbing perspective which draws us headlong. … To the impulsive rush of these converging lines he [van Gogh] oppose[s] the broad horizontal band of red…"[14] The center and corner decorations of the Louis XIV frame, however, impose a static structure which, by drawing the eye to the center of the canvas, counters the artist's dynamic composition.

> "Her primary intention was that a frame be created that more closely reflected van Gogh's framing preferences than had any of its known predecessors."

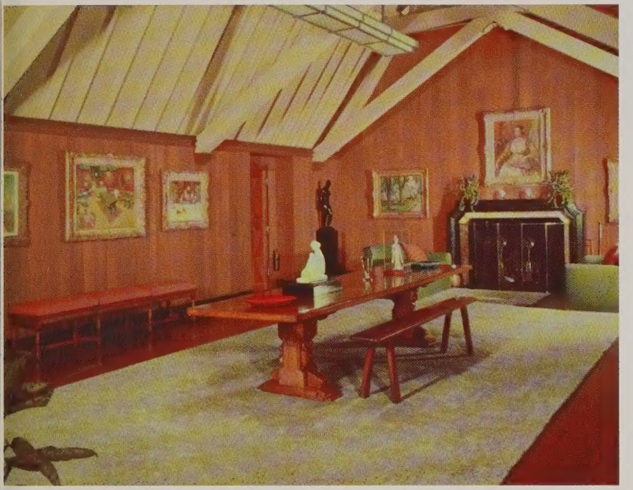

FIGURE 4. **Stephen Clark's gallery at the time of his death showing *The Night Café* on the left wall. All six pictures bear Louis XIV frames. ©Sterling and Francine Clark Art Institute, Williamstown, MA. Photo: Michael Agee.**

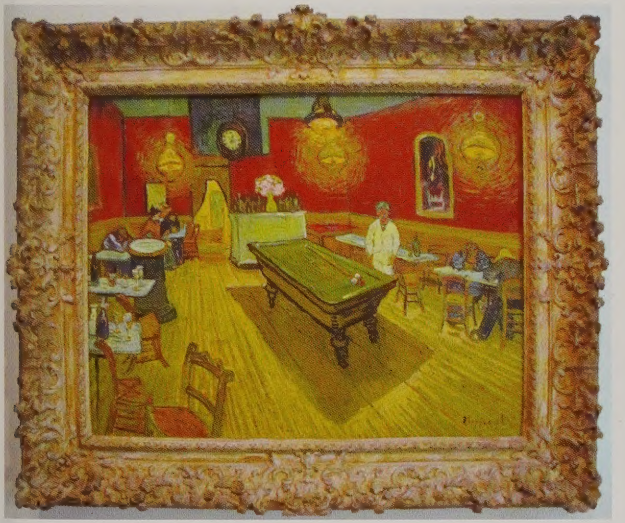

FIGURE 5. ***The Night Café* shown in Stephen Clark's Louis XIV frame, as it was formerly exhibited at the Yale University Art Gallery.**

In late 2007, Jennifer Gross, Curator of Modern and Contemporary Art at the Yale University Art Gallery, whose interest in frames and framing is long-standing, asked my company, Bark Frameworks, to collaborate in a re-framing of *The Night Café.* She sent us pictures of it in its gilded frame; and as it was framed previously in Moscow in a black frame with straight sides, a curving profile and a narrow gilded strip at the inner edge (**FIG. 6**). Knowing *The Night Café*'s framing history was of interest in conceiving a new frame, but her primary intention was that a frame be created that more closely reflected van Gogh's framing preferences than had any of its known predecessors.

Designing or choosing frames for pictures of the Impressionist period and of the art that followed raises issues that rarely come up in framing works of earlier periods. As well as organizing and installing their own exhibitions, the Impressionists rejected the framing conventions of their time. Degas was an active and inventive frame designer and Pissarro took control, as much as the galleries would allow, in the framing of his work. Their framing innovations are well documented.[15] Less well known, but discussed in reviews and correspondence of the time, were the framing innovations of Cassatt and Morisot. From the Impressionist moment forward, it was no longer

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[14] Meyer Schapiro, *op. cit.,* p. 26.

[15] See Easton and Bark, *op. cit.;* and Mendgen, *op. cit.*

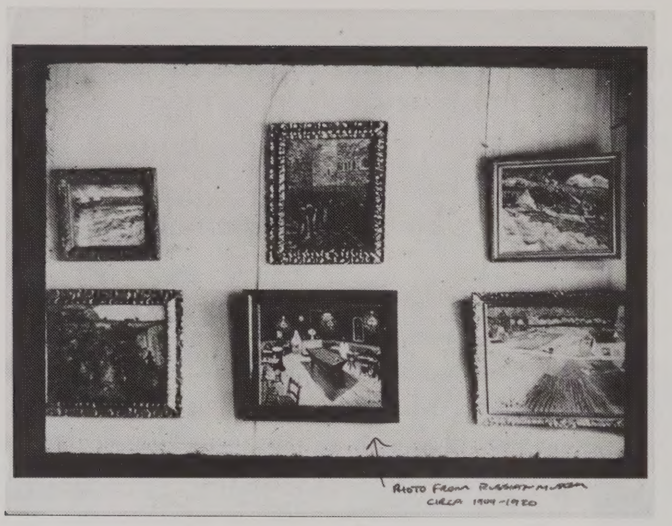

FIGURE 6. **Museum of Modern Western Art, Moscow, c. 1918-20 showing *The Night Café* (bottom row, center) in a more austere frame than those of its neighbors.**

unusual for artists to be actively engaged in designing frames for their work.

In the case of van Gogh, the artist created a written record of his framing experiments, commenting on those he found most successful. In addition, there is the one extant example of a frame designed and painted by the artist, on the still-life referred to above (**FIG. 2**).

In taking on the design and making of a frame for *The Night Café*, there was no specific indication of how the artist would have presented the picture; there was guidance in his letters and sketches, to be sure, but that could lead to many possible interpretations. The design process doesn't constitute finding one solution to a puzzle; there are many potential frames. Above all, the frame must achieve a certain harmony with the picture, and must present it in its best light, so that the work will be clearly seen and so that the frame does not call attention to itself. The frame we designed for *The Night Café* carries multiple meanings as well. It is evident that the frame is not original to the artist's time; it is of modern fabrication and was conceived with full knowledge of the artist's interest in frames; the designers of the frame made particular choices based on their interpretation of van Gogh's own practice and the demands of framing this specific picture.

After Ms. Gross visited our shop and looked over various wood samples and profiles with us, we decided to make some trial corners — simple and very dark or black. We designed four profiles in several species: red oak (quarter sawn and flat sawn), pine, and basswood. We made several test finishes as well. Over the next few months, after extensive back and forth between us, Ms. Gross,

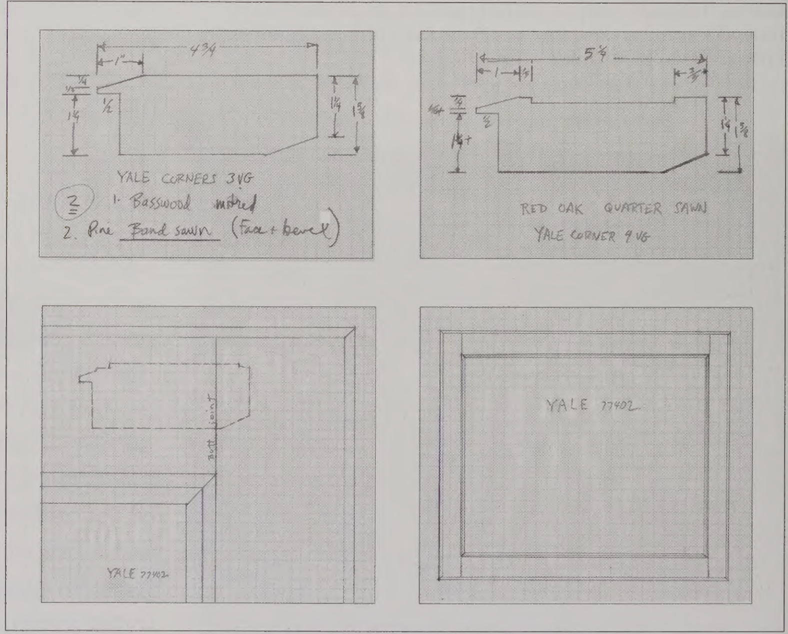

FIGURE 7. **Shop drawings for *The Night Café* frame, Bark Frameworks. The drawings at the top are of two early profiles that were rejected. The one at the upper left is very similar to the frame on *Still-life with quinces, lemons, pears, and grapes*. The two bottom working drawings represent the frame as it was to be made.**

and her colleagues, we added walnut to the selections (as noted above, van Gogh often used walnut for frames when he was working in Arles), experimented with band-sawn surfaces, and made butt joint corners as an alternative to mitered joints. All told we produced about a dozen corners before the design was set in all its details (**FIG. 7**). The realized frame is made of walnut,[16] the front surface band-sawn, with mitered inner and outer profiles and a butt joint panel. After joining, the frame was stained with a water based stain and waxed so that it is virtually black.

We milled the moulding from walnut stock that had been sawn about ten years previously and set aside for a special project. To select the lengths from which the frame would be made, a number of boards were laid out on the shop floor. After the four lengths were chosen and marked out, they were re-sawn on a band saw as noted above. The lines of the band saw cuts are still visible in the surface of the wood since the boards were not planed or sanded.[17]

In several respects the framing choices we made reflect aspects of van Gogh's various framing notions: the use of walnut, whose figure and grain are apparent in the finished frame; a beveled inner edge; the raw wood surface; and above all, simplicity. Since the corners of the wide panel are butted rather than mitered (**FIG. 8**), the diagonal lines of miters don't interfere with the picture's strong assertion of perspective, as the center and corner cartouches of Clark's Louis XIV frame did.

"In taking on the design and making of a frame for *The Night Café*, there was no specific indication of how the artist would have presented the picture; there was guidance in his letters and sketches, to be sure, but that could lead to many possible interpretations."

The picture was first exhibited in its new frame in 2009 (**FIG. 9**), where its new presentation was quickly recognized. As one New Haven writer wrote:

> "Recently returned from loan to the Museum of Modern Art in New York, van Gogh's "*The Night Café*" is not what it was — but there is no damage to report, only revelation. It has a new wall in a reconfigured space at the Yale University Art Gallery and the gilded pretension of its previous frame is gone. Jennifer Gross, curator of modern and contemporary art, has seen the painting in all its impossible clarity, and now we can too. This is not just a matter of restoring the piece to what the period of its making would have required, although it's that too. The real change is simply the muted gloss of the black wood that flings the furnace door of that infernal room wide open."[18]

A painting in the Yale gallery by van Gogh's friend, Emile Bernard, also from 1888, is in its original frame and serves as a helpful reference for artists' frames from the period. Comprised of flat panels with a beveled inner band, the Bernard frame is similar to van Gogh's framing preferences. The pieces are butt-joined, and the entire frame has neither decoration nor carving to relieve its simple severity. And it suits this picture, *Night Festival* (**FIG. 10**), well. Like the framing of *The Night Café,* this restrained presentation allows the picture's radical artistry to be the primary focus of the viewing experience.

The installation of *The Night Café* in its new frame in 2008 has provoked considerable discussion and comment, notably in the *IFAR Evening* "What Frames Can Tell Us" in 2011, documented in the *IFAR Journal*. In his closing remarks, Laurence Kanter noted: "The issue is not what a van Gogh painting needs around it, but what it is that we are saying about the painting when we put one frame rather than another around it."

There are many considerations that may inform the decisions of frame choice for a picture, such as

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[16] We used American walnut, similar to the European walnut with which van Gogh would have been familiar.

[17] Jennifer Gross instructed us at one point "to vary the surface....It is too regular and mimics the floorboards in the painting."

[18] Stephen Vincent Kobasa, "Van Gogh Returns: *The Night Café* returns to Yale improved," *The New Haven Advocate,* February 5, 2009.

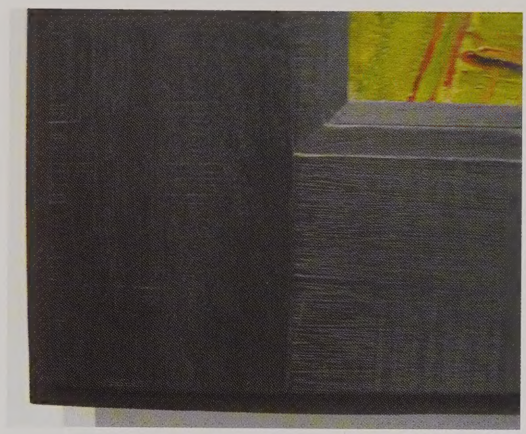

FIGURE 8. Corner of the finished frame, showing the butt-joint panel and mitered inner profile.

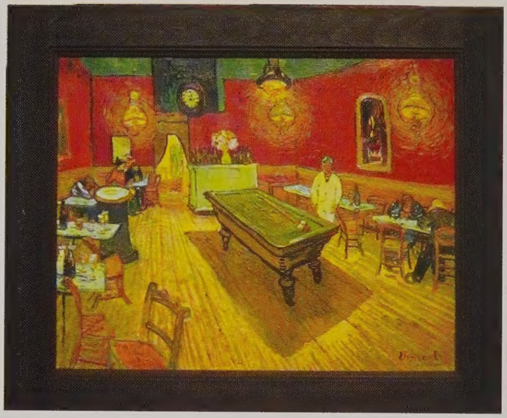

FIGURE 9. The finished frame installed in the Yale University Art Gallery.

a collector's desire to have the picture blend with the décor of his home or to harmonize with the other pictures in his collection. A museum gallery is freed from the pressures of interior decoration, but competing agendas will influence framing decisions. Similar to a private collector, a curator might consider the harmony of the picture frame to others in the gallery. Or the choice might be to retain a collector's signature framing, as in the case of the Degas works in the Camondo bequest at the Musée d'Orsay. There are examples as well of curators re-framing a whole collection in a single frame style (as when William Rubin notoriously removed all the frames and replaced them with strip moulding at the Museum of Modern Art in 1984).

But framing a work by van Gogh presents a rare and propitious opportunity, for seldom do we have the benefit of the artist's written descriptions of the framing of his work. In this instance, there is a special privilege to be able to present the dark, brooding *The Night Café* within a border conforming to those about which the artist wrote with such clarity and emphasis. The resulting collaboration between curator and framer produced a frame that reflects the artist's intent. Beyond that, reframing such an important icon in the collection of the Yale University Art Gallery provides the university with a provocative alternative to conventional practice in the presentation of pictures. As such, it not only allows students to learn about the history of art from the paintings in the collection, but also to become aware of the history of frames, of taste, and of the intentions of the artist in the presentation of his work.

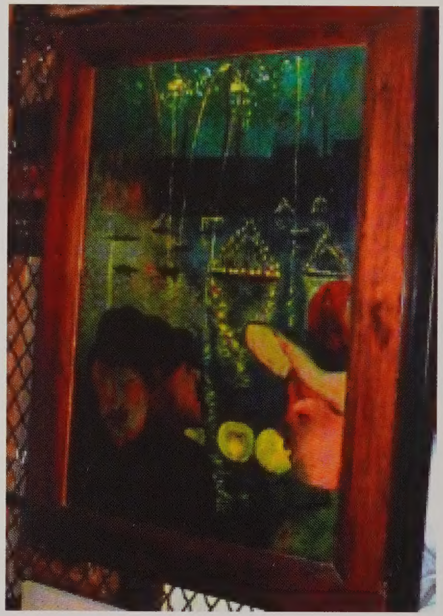

FIGURE 10. Emile Bernard. *Night Festival.* Oil on panel. Unframed: 87.6 x 59.1.cm. Yale University Art Gallery. 1972.120.1. Gift of Arthur G. Altschul.

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NEWS FROM LEONARDO: DO THE AYES HAVE IT?

An *IFAR Evening*, May 7, 2012

MARTIN KEMP*

EDITOR'S NOTE:

At an IFAR Evening in May 2012, noted Leonardo scholar, Martin Kemp, Professor Emeritus in the History of Art at Oxford University, discussed the spate of recent discoveries – or rediscoveries – of works by Leonardo da Vinci, some of which are not universally accepted. The talk took place soon after the blockbuster Leonardo exhibition in London, whose curator was in the audience. Also in the audience was the new Chairman of the Board of Citi, whose Corporate Center on Park Avenue was the lovely venue for the talk and the reception and book-signing by Professor Kemp that followed. Partial funding for the program was provided by The Lehman Foundation, for which IFAR is very grateful. Below is an edited version of the talk and the Q&A.

The title of my talk "Do the Ayes Have It?" is not a case of bad spelling, but one of my characteristically bad puns, playing on British Parliamentary use of the Old English word for "yes" and human "eyes." In this talk I will be dealing with two hot "Leonardo" attributions – the *Salvator Mundi* (**FIG. 1**), and the work that I christened *La Bella Principessa* (**FIG. 2**).[1] The question of eyes in these two works is important; what the artist does with the eyes in relation to the spectator is a key to understanding their function in each work. In terms of the Leonardo attribution – the "aye" as it were – it will become clear in my talk that the way that a work emerges in the public domain radically affects the reaction to it. We tend to think that new works emerge in a scholarly fashion and then rational decisions are made, but, in fact, how scholars come across a work, how it is broadcast – whether it gets into the public domain in a calculated and controlled way, or in a messy way – has a huge effect on whether it will be accepted by the scholarly community. My next trade book, titled *Living with Leonardo* – reflecting my 40 years in the Leonardo business – will look at how the context of discovery, the publication and broadcasting of a newly found work of art, has a radical effect upon how the attribution is received.

LA BELLA PRINCIPESSA

My first case in point is the profile portrait I called *La Bella Principessa,* which is a generic, picturesque term, since there were no princesses in Milan. (Calling her "La Bella Milanese," on the other hand, might have conjured up a veal chop.) My first encounter with the work was via an e-mail sent

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* Martin Kemp is Professor Emeritus, History of Art, Trinity College, Oxford University, and author of numerous books, including: *Leonardo* (Oxford University Press, 2004); *La Bella Principessa* (co-author Pascal Cotte) (Hodder & Stoughton, 2010); *Leonardo da Vinci: Experience, Experiment and Design* (Princeton University Press, 2006); and *Christ to Coke: How Image Becomes Icon* (Oxford University Press, 2012).

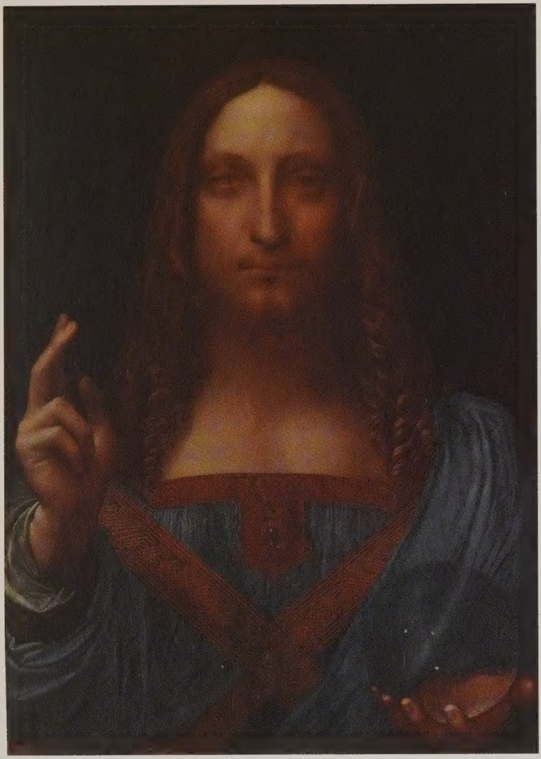

FIGURE 1. **Leonardo da Vinci. *Salvator Mundi.* Oil on walnut panel. 65.6 x 45.4 cm. Private collection.**

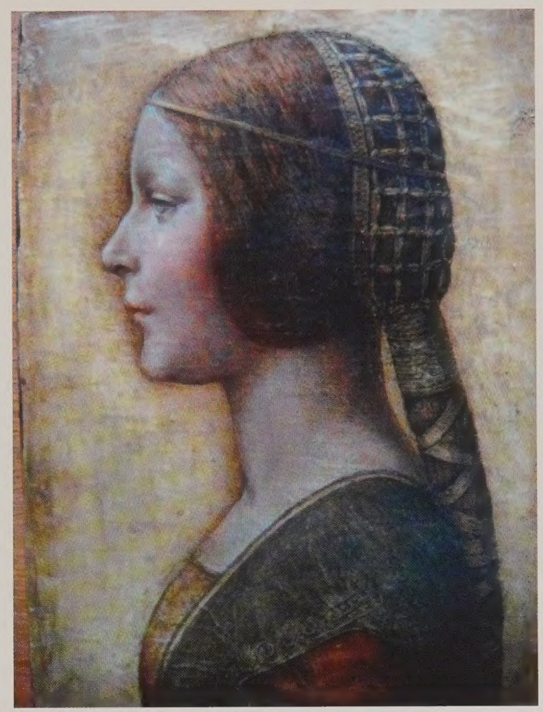

FIGURE 2. **Leonardo da Vinci (?) *La Bella Principessa.* Private collection. Ink, gouache and colored chalks on vellum. 13" x 19 ½" (33 x 23.9 cm).**

to me on March 18, 2008 by the owners, Mr. and Mrs. Peter Silverman, with an image of a portrait of a young girl executed in inks and colored chalks on vellum and laid down on — glued to — an old, probably oak, board that was held together with several butterfly joins on the verso **(FIG. 3)**.[2]

I am contacted about new "Leonardos" almost every week, and over the years, only three or four have warranted serious consideration. This drawing was different; when I looked at the digital image, I thought, "This actually does warrant looking at." But there was also a gravitational pull, saying, "Don't believe it. There must be something wrong with it." Leonardos don't come along often. The last portrait to emerge by Leonardo – the last significant attribution to Leonardo that stuck – was the *Madonna Benois* in the Hermitage in St. Petersburg in the early 20th century; so you want to keep a level of disbelief.

I was not the first scholar to connect *La Bella Principessa* to Leonardo; it had already been shown to a number of Leonardo scholars. Carlo Pedretti, who has the greatest knowledge of Leonardo manuscripts and the Leonardo legacy, had said it looked okay. Likewise, Nicholas Turner, formerly Deputy Keeper of Prints and Drawings at the British Museum and former Curator of Drawings at the Getty, thought the work was by Leonardo; and both Alessandro Vezzosi, Director of the Museo Ideale Leonardo da Vinci, and the eminent scholar, Mina Gregori, accepted the attribution to Leonardo.

> "I am contacted about new "Leonardos" almost every week, and over the years, only three or four have warranted serious consideration. This drawing was different."

At the time, the work was in storage with Peter Silverman in Zurich, but I waited until I had another purpose for traveling to Zurich – a televi-

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[1] *La Bella Principessa* was the subject of a 2010 legal dispute, *Marchig v. Christie's Inc.*, No. 10-cv-3624 (JGK), slip op., (S.D.N.Y. Jan. 31, 2011), *aff'd*, No. 11-cv-461,slip op., (2d Cir. July 12, 2011). For a discussion of the legal case, see Lisa Duffy-Zeballos and Shima Majidi, "A New Leonardo? In the Courts of Scholarly Opinion – and Law – the Jury is Still Out," *IFAR Journal*, Vol. 12, no. 1, 2010.

[2] The former owner, Jeanne Marchig, recognized the lighter of those butterfly joints as typical of the ones that her husband, Giannino Marchig, a restorer, frequently used.

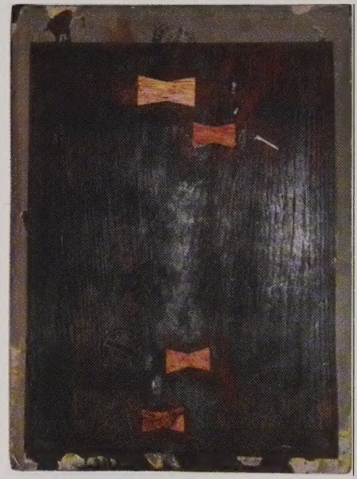

FIGURE 3. *La Bella Principessa* (rear of the panel).

sion program – to see the drawing. (I do not offer an attribution service, and do not take money from the owner of an object; I only research objects I am interested in researching.) Stylistically, the work compared favorably to Leonardo's early silverpoint profile portrait of a woman at Windsor Castle (**FIG. 4**). We know that for very formal portraits, like the pricked cartoon drawing of Isabella d'Este (**FIG. 5**), which he executed in 1500 after he left the Milanese court and passed through Mantua, Leonardo would use the profile.

As a left-hander, Leonardo developed a graphic technique characterized by very fine parallel, top-left-to-bottom-right shading. I believe that he developed this technique specifically for anatomical specimens or objects, like his drawing of a skull from 1489 (**FIG. 6**), to make the objects appear to be standing in front of the paper. Leonardo saw this characteristic background hatching as creating *relievo,* or "relief," and it also appears in *La Bella Principessa,* albeit slightly more heavy-handedly, the effect of having been reinforced by a later hand. In any event, the underlying hatching of the contour to give the *relievo* is notably subtle and delicate.

Let us address the nebulous subject of quality. In evaluating the work, we must ask ourselves, is the handling at Leonardo's level? The mouth, indeed, is very delicately and beautifully handled, and looking at the eyes, we see a trace of a very tiny, thinly painted eyelash on the bottom lid. It seems almost painted with a brush made of a single hair. This is the kind of detail that one finds in Leonardo, but this is the kind of subjective judgment that one has to make.

Another aspect is the technical examination of the work, which, in this case, had already been performed prior to my involvement by Pascal Cotte of Lumiere Technology in Paris, with whom I eventually published a book on *La Bella Principessa* in late 2010.[3] Even without much technical expertise, one could see that the surface of the drawing had suffered a good deal. In some places it was restored with a layer of pink paints rather than colored chalks, the original medium. Using advanced multispectral imaging analysis, however, Cotte was able to see much more, including in the

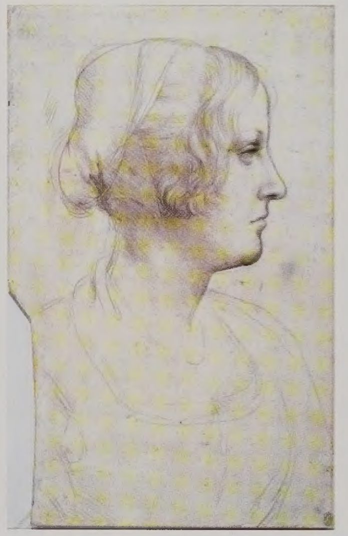

FIGURE 4. Leonardo da Vinci. *Portrait of a Woman in Profile.* Metalpoint on reddish prepared paper. 320 x 200 mm. Windsor Castle, Royal Library. Inv. 12505.

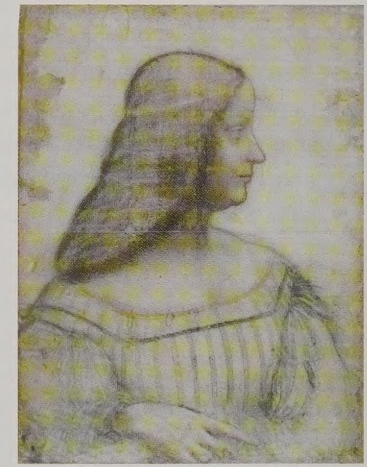

FIGURE 5. Leonardo da Vinci. *Isabella d'Este.* Black and red chalk on paper. 61 x 46.5 cm. Museé du Louvre, Paris.

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[3] Martin Kemp and Pascal Cotte, *La Bella Principessa: The Story of the New Masterpiece by Leonardo da Vinci* (London: Hodder & Stoughton, 2010). This book goes into more detail on the stylistic analysis of the portrait, as well as the scholarly research unpinning my attribution.

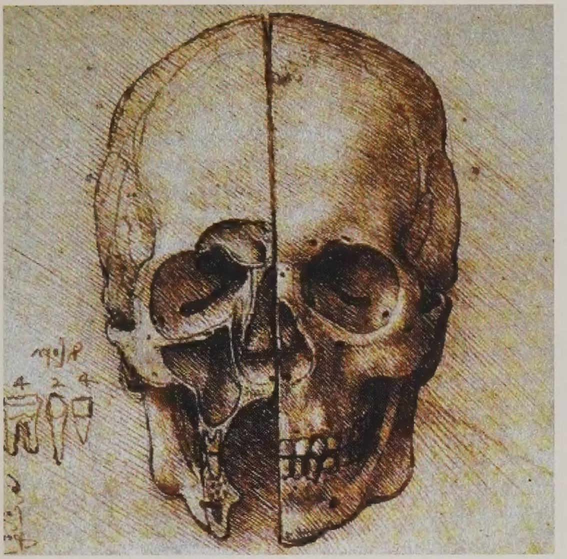


FIGURE 6. ***Sectioned Skull* (detail). Windsor Castle, Royal Library. Inv. 19058v.**

woman's neck the mark of the heel of the artist's hand. This type of handprint is very characteristic of Leonardo; there is a similar mark in the *Cecilia Gallerani* better known as the *Lady with an Ermine* (**FIG. 7**), and in the newly discovered *Salvator Mundi*. Leonardo would use the heel of his hand to soften the edges in the paint. An enhanced photo of the *La Bella Principessa* showing the angle of the marks, suggests that they were almost certainly made with the right hand. Cotte also found a fingerprint in the upper left corner of the drawing, which was then analyzed by Peter Paul Biro, an art restorer in Montreal, who found a reasonable match with a fingerprint in Leonardo's unfinished *St. Jerome*. Unfortunately, the fingerprint evidence was released as a sensation independently of the other scientific and art historical evidence presented in the book. The press seized upon the fingerprint analysis, so that, in the end, what had been only a small component of the evidence in support of the Leonardo attribution began to take over the entire argument. This was an example of how releasing material in the wrong way can have a detrimental effect.

This was especially unfortunate for me because, whereas as a trained scientist and art historian I feel comfortable with technical examinations of works of art in general, forensic fingerprint analysis lies beyond my personal expertise. This is particularly uncomfortable since, unlike the other technical and material examinations that were done on the drawing, for fingerprint analysis I have to rely upon somebody else's expertise. Enough said, but this, too, is part of the story of the attribution.

> "As a left-hander, Leonardo developed a graphic technique characterized by very fine parallel, top-left-to-bottom-right shading."

The medium, or support, also came under scrutiny; a number of people said that Leonardo did not work on vellum, which in this case is prepared calfskin. When I began to look through Leonardo's notebooks for discussions of technical procedures, however, I discovered a comment in the so-called *Ligny Memorandum* in the Codex Atlanticus, which was the draft of a memorandum written by Leonardo to the French general, the Comte de Ligny, who had been in Italy in 1494 and later in 1499. During

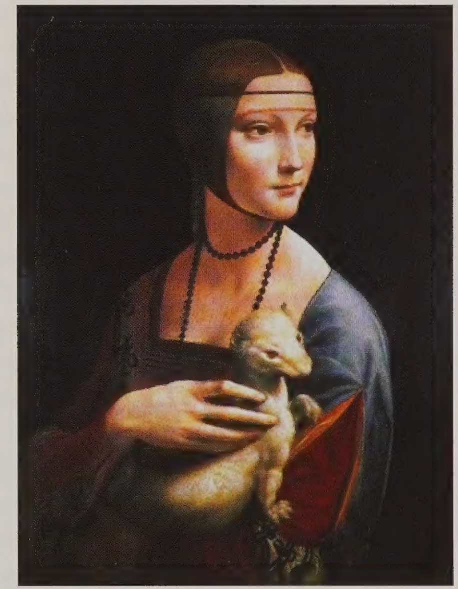


FIGURE 7. ***Cecilia Gallerani (Lady with an Ermine).* Oil on panel. 53.4 x 39.3 cm. Czartoryski Museum, Krakow, Poland.**

the course of the memorandum, Leonardo characteristically digressed and wrote:

> Get from Jean de Paris the method of dry coloring and the method of white salt, and how to make coated sheets; single and many doubles; and his box of colors. Learn the tempera of flesh tones; learn to dissolve gum lake.

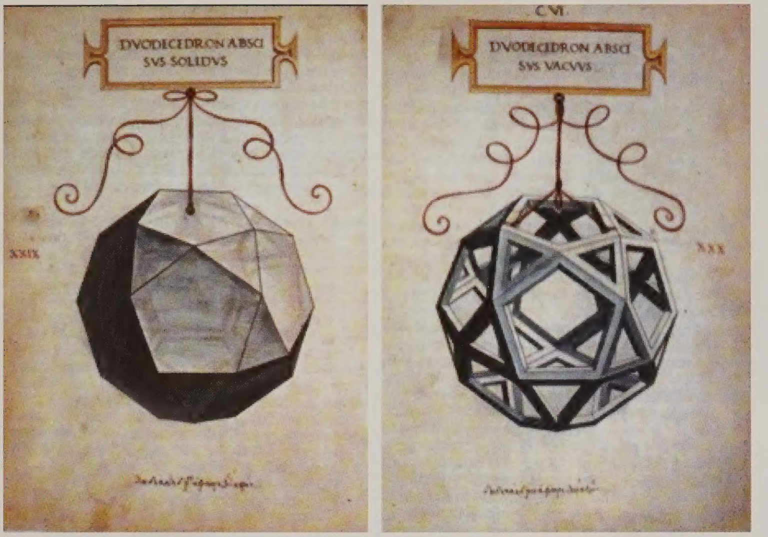
Jean de Paris was actually Jean Perréal, painter to the King of France and an expert in colored chalk portraits, what the French call *trois crayons* (three crayon) portraits. Clearly, Leonardo was interested in Jean Perréal's box of colors and how he worked with dry chalks, which he would fix to the surface using dissolved gum lake. Gum lake, or gum arabic, was also used to prime vellum, or "coated sheets," to make them less permeable. Vellum sheets, which are made from only high quality skins, were incredibly precious, so it is not surprising that Leonardo would want to maximize getting multiple sheets out of a single skin.

Recently, I have been thinking about what Leonardo would have known of working on vellum. A number of artists, notably miniaturists and medieval manuscript illuminators, worked in vellum, and indeed there was a substantial school of illuminators doing orthodox manuscript illumination in Milan. The affinity of technique with Leonardo, however, is with scientific and natural history manuscripts, such as Giovanni de Grassi's fifteenth-century pattern books on animals, which were executed in ink and vellum. Astronomical and geometrical manuscripts were also done on vellum for durability before paper became a regular medium, and Leonardo himself made scientific sketches in ink on tinted vellum for Luca Pacioli's 1498 mathematical manuscript *De divina proportione*, on the platonic solids and their variants. Leonardo invented the technique of showing the shapes first as solids in three dimensions (**FIG. 8A**), and then fenestrating them (**FIG. 8B**) to show how the shape operates. Significantly, the prime manuscript of *De divina proportione* was made for Galeazzo Sanseverino, the commander of the Duke of Milan's forces and who, I will argue, may also have been the intended recipient of *La Bella Principessa.*

Like Leonardo's illustrations in *De divina proportione, La Bella Principessa* appears to have originally been bound in a book. When Pascal Cotte and I examined the work in his Paris studio, Cotte observed that there were three, possibly more, stitch holes down the left-hand side (**FIG. 9**). In the bottom left-hand corner there is evidence that the knife used to cut the page out of a manuscript slipped. The knife did not cut through the tough vellum; someone had to run a blade back down the median line to remove the sheet. I had originally supposed that the portrait came from a book of poetry, since the women at the Sforza court were often the subjects of eulogistic poems by the court poets, presented in luxurious volumes on vellum, richly bound in velvet and even copper. Thus, I assumed that *La Bella Principessa* came from a presentation book of poetry, and that the lady in profile was the dedicatee, the person for whom the poems were written. That hypothesis, however, proved incorrect, as we will see.

"Assuming then that this portrait was painted for someone at the Sforza court, ca
we come up with a plausible candidate?"

Assuming then that this portrait was painted for someone at the Sforza court, can we come up with a plausible candidate? Unlike this work, Leonardo's portraits of the women at the Milanese court were in oil and were depicted differently. *Cecilia Gallerani,* the *Lady with an Ermine,* the duke's mistress, from about 1490, and *Lucrezia Crivelli* (also known as *La Belle Ferronnière*), Ludovico's mistress after the death of his wife, from about 1498, are both oil paintings on panel. These are domestic, intimate portraits showing the duke's mistresses, not in profile, but gazing directly outwards: Lucrezia looks tantalizingly over her shoulder at someone who is standing behind the artist's right shoulder, while Cecilia is clearly looking at someone and smiling gently, and we know from a poem on the painting that the duke is praised along with Leonardo as one of the people to whom gratitude is due.



FIGURES 8 A and B. (A) Dodecahedron (solid). (B) Dodecahedron (fenestrated) *De divina proporcione*, 1498. Biblioteca Ambrosiana, Milan.

But these are exceptional portraits of the duke's mistresses. It is unusual to find portraits from that time that are as relaxed as these. Among members of the ruling circle, it was considered more formal and decorous for both women and men to be shown in profile, such as in the portrait of Ludovico's niece, Bianca Maria Sforza (**FIG. 10A**), who was married to the Holy Roman Emperor Maximilian, or of Ludovico's own wife, Beatrice d'Este from the d'Este family in Ferrara (**FIG. 10B**), in a portrait which we know in at least three good versions, and in the portrait of Anna Sforza (**FIG. 10C**), who married Alfonso d'Este and died very young.[4] It is clear from these examples that *La Bella Principessa* conforms to the standard program for noble ladies of the *Sforza* court.

In my book, I suggested, provisionally, that the sitter – *La Bella Principessa* – was Ludovico il Moro's illegitimate daughter Bianca, who was legitimized so she could marry Galeazzo Sanseverino, who perhaps not-so-coincidentally was also the dedicatee of *De divina proportione* (and a man worthy of more scholarly investigation). As commander of the duke's forces, Galeazzo and Leonardo would have worked together on military matters. Leonardo drew horses in Galeazzo's stables when he was studying for the equestrian monument of the duke's father Francesco Sforza, and Leonardo designed at least one *festa* in Galeazzo Sanseverino's palace. Bianca and Galeazzo Sanseverino were married when she was no more than 13 or 14 years old, which was not unusual. Less than 3 months later, she died in Vigevano of whatwas called a *"passione del stomaco,"* possibly an ectopic pregnancy. Her death caused enormous mourning in the courts, and prompted the duke's wife, Beatrice, to write a very moving letter to her sister, Isabella d'Este, lamenting Bianca's death as an enormous tragedy – as indeed it was.

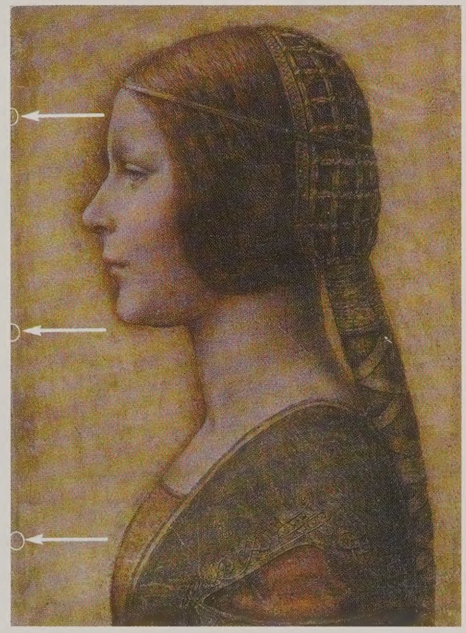


FIGURE 9. Image of *La Bella Principessa* showing the vellum sheet with three stitch holes on the left margin, which have been partially filled by glue and restoration. Photo © Pascal Cotte/Lumiere Technology.

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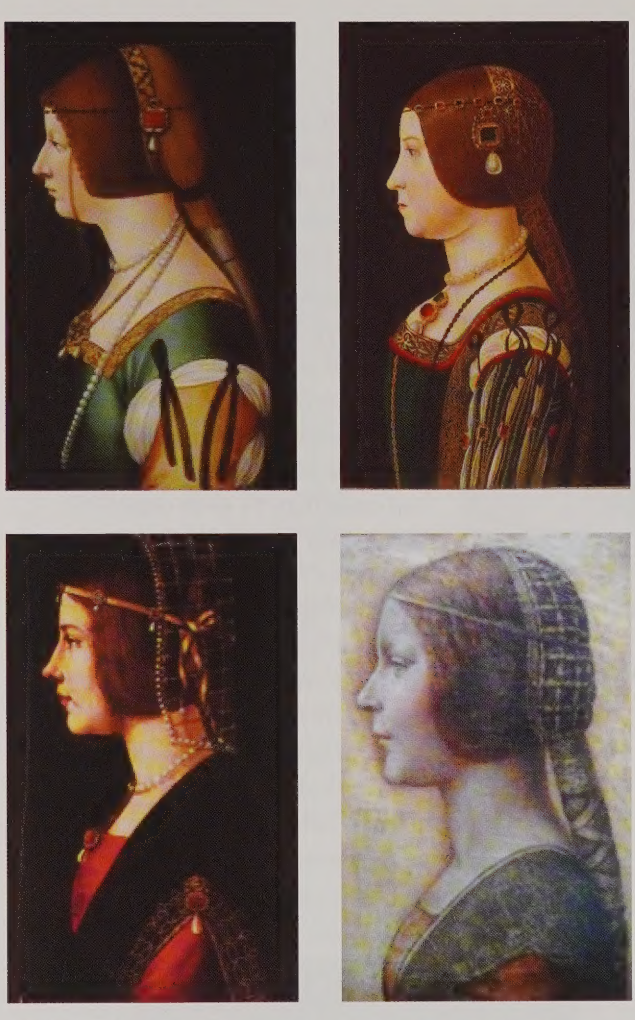
[4] If this is indeed Anna Sforza, it may well be by a Ferrarese artist, and not Leonardo to whom it has sometimes been attributed.



FIGURES 10 A-C. (A) upper left: Ambrogio de Predis. *Bianca Maria Sforza*, ca. 1493. Oil on panel. 51 x 32.5 cm. National Gallery of Art, Wash., DC. (B) upper right: Ambrogio de Predis (?) *Portrait of Beatrice d'Este*. Christ Church Picture Gallery, Oxford. (C) lower left: Ferrarese artist? *Portrait of a Woman* (Anna Sforza?). Oil on panel. 51 x 34 cm. Pinacoteca Ambrosiana, Milan.

That was the state of the research at the time I published the book – with a possible identification of the sitter, bits of evidence of various kinds, which I thought added up fairly well. Sometime afterward, David (D.R. Edward) Wright, an art historian and Emeritus Professor at the University of South Florida, wrote to me suggesting that the portrait may have come from a printed book on vellum called a *Sforziad*. This was not a book of poetry; it was a eulogy of Ludovico's father, Francesco Sforza, the founder of the dynasty of the rulers of Milan. Written originally in Latin by Giovanni Simonetta, it was translated into Italian by Cristoforo Landino, one of the great scholar/poets in the circle of Lorenzo il Magnifico in Florence. David Wright drew my attention to a manuscript in the National Library in Warsaw,[5] which, he said, had almost certainly been intended for Galeazzo Sanseverino (**FIG. 11**). And indeed, this copy of the *Sforziad* has Galeazzo's heraldic devices, the wringing out of Gideon's fleece, on the right-hand margin; this was one of Galeazzo's symbols. On the bottom of the page the manuscript illuminator Giovanni Pietro Birago, a Milanese court miniaturist, depicted a humorous allegorical charade acted out by adult putti: the black putto sitting on the pedestal is Ludovico il Moro, "The Moor," and in the bottom left, a man is rushing in with a little black girl with blonde hair on his arm–she is Bianca.

These books were issued in great numbers as standard printed books, but four were printed on vellum and made for the Sforza court to commemorate special events. In addition to the Warsaw manuscript, one is in the Bibliothèque Nationale in Paris and another is in the British Museum, the latter being the only one in its original velvet binding, with silver incised bosses and a clasp adorned with a Moor's head. The Paris version was made for the birth of Francesco to Isabella of Aragon and Ludovico's nephew, Gian Galeazzo Sforza, who died young. The little charade at the bottom of the Paris manuscript page shows Ludovico il Moro pointing upwards and commanding Gian Galeazzo while its right margin shows a black mulberry tree, or *morus* – a *moro* as it were – supporting and clasping a rather more feeble, growing trunk to it bosom – alluding to Ludovico's "protection" of the young man who was the legitimate duke of Milan. The London version commemorated the birth of Ludovico and Beatrice d'Este's son, Massimiliano. Clearly, these printed books, along with a fragmentary fourth one in the Uffizi, were issued for births or other significant events. And while a birth would have been anticipated with Bianca, in this case, the Warsaw *Sforziad* was probably commissioned to celebrate her marriage.

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[5] Giovanni Simonetta, *Commentarii rerum gestarum Francisci Sfortiae. La Sforziada*, with additions by Franciscus Puteolanus and Franciscus Philelphus, trs Christophorus Landinus, Milan, Antonius Zarotus, 1490.

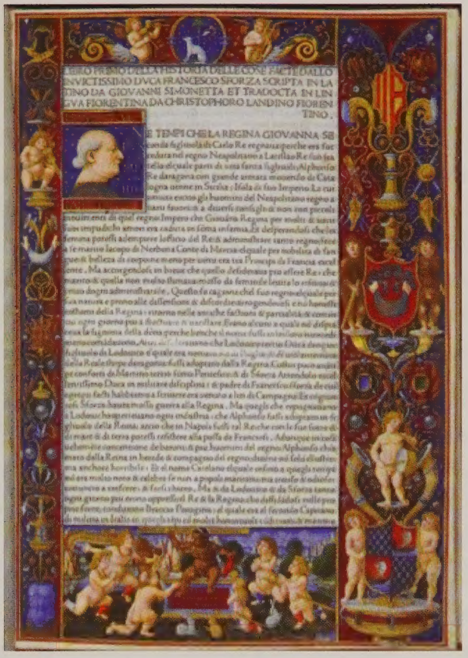

FIGURE 11. Giovanni Pietro Birago. *Frontispiece to the Sforziada.* National Library of Poland, Warsaw.

I did not want to go to Warsaw unless I could go under my own steam. As it happened, National Geographic decided to produce a television program on the scientific investigation of *La Bella Principessa,* and they gave Pascal Cotte and me an expedition grant.[6]

Working with a facsimile edition, Pascal devised a technique of photographing the edges of the quires in the bindings of the book, using different focal lengths that are then combined (Pascal can even create a three-dimensional view of the whole thing). In its printed form – regardless of whether it is printed on vellum or paper – each quire consists of four double sheets, eight folios, or sixteen pages. In Quire A of the Warsaw *Sforziad,* there are two surviving double folded sheets (**FIG. 12**). On the outside, a separate sheet has been cut and pasted onto the middle of the top sheet, giving us three sheets in the first quire, which is obviously irregular. We were able to reconstruct this in relation to the Paris *Sforziad,* which is intact with blank pages inserted facing illuminated pages. Interestingly, the Birago color illumination also has a blank page on the page facing the portrait.[7]

Although the Warsaw book has been rebound, when we looked at the stitching, we could see that the three stitch holes on the left margin of *La Bella Principessa* corresponded closely to the holes on the Warsaw *Sforziad,* all the more noteworthy because the holes are irregularly spaced. There are, however, five stitch holes on the *Sforziad.* The different

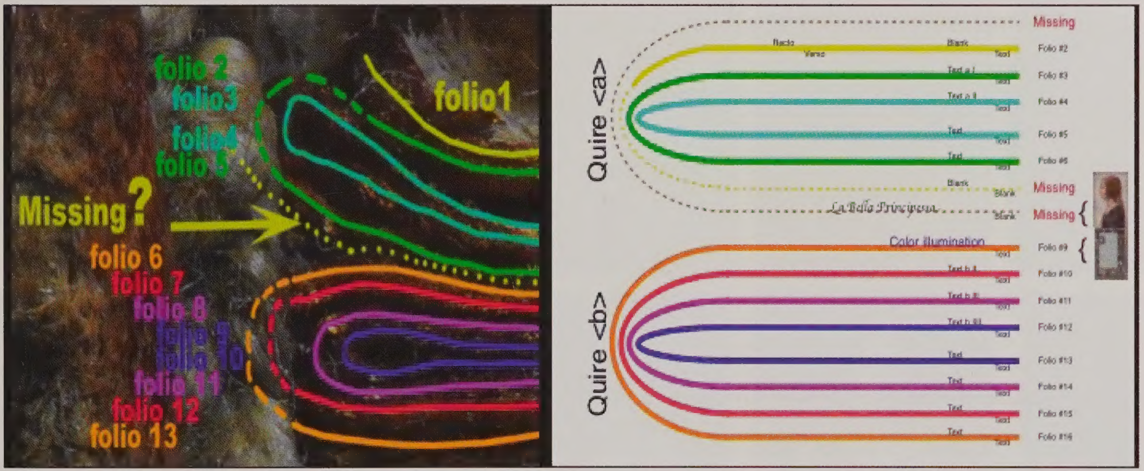
folio 2
folio3
folio4
folio 5
folio1
Missing?
folio 6
folio 7
folio 8
folio 9
folio 10
folio 11
folio 12
folio 13
Quire <a>
Quire <b>
Missing
Recto
Verso
Blank
Text
Folio #2
Text a I
Folio #3
Text a II
Folio #4
Folio #5
Folio #6
Missing
La Bella Principessa
Missing
Color illumination
Folio #9
Text b I
Folio #10
Text b II
Folio #11
Text b III
Folio #12
Folio #13
Folio #14
Folio #15
Folio #16

FIGURE 12. View of the edges of the folds of the quires from the *Sforziad* in the National Library of Poland. Photo © Pascal Cotte/Lumiere Technology.

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[6] NOVA. "Mystery of a Masterpiece," produced and directed by David Murdock, aired January 25, 2012 on PBS.

[7] For a more in-depth discussion of the Warsaw *Sforziad,* please visit: http://www.bbk.ac.uk/hosted/leonardo/KempCotteLBP.pdf.

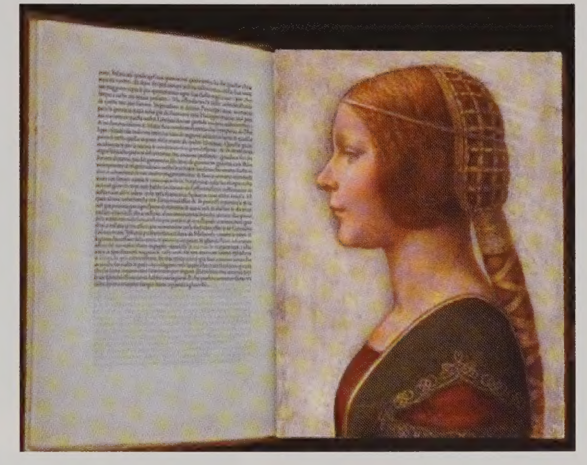

FIGURE 13. **Hypothetical reconstruction for placement of *La Bella Principessa* in the Warsaw *Sforziad*. Photo © Pascal Cotte/Lumiere Technology.**

number of stitching holes may result from the way the left margin of the portrait folio was cut, or from intermediate stitches being added when the Warsaw book was rebound. In any event, three of the holes in the vellum sheet match the holes in the Warsaw book terrifically well (**FIG. 13**).

The end product of all of this is that we know more about this work in terms of technique and function, patronage, and sitter than we do about the *Mona Lisa,* the *Cecilia Gallerani,* or the *Lucrezia Crivelli;* more, in fact, than any other Leonardo portrait. Nevertheless, there are still people who say, "It does not look like Leonardo." To them, I say that I am happy to leave it there, and we will eventually see if the "ayes" have it.

SALVATOR MUNDI

The second painting I am going to discuss is a very different kind of object. Whereas the first work belongs in the world of poetry, courtly life, young brides, and early deaths, the *Salvator Mundi* (**FIG. 1**) is about the divine. It is a devotional object, and its function is totally different; it uses its eyes to communicate with us in a quite different way.

This work also first came to my attention in the form of an e-mail, in this case from Nicholas Penny, Director of the National Gallery, London, saying that they had a damaged version of the *Salvator Mundi* that might be original, and would I come to see it? The answer was fairly obvious, and I went to see it with some other leading Leonardo scholars and also Robert Simon, an art historian who was representing the owner, when the work was in the National Gallery's conservation studio.

My initial impression upon seeing the work was, "Wow, that's quite something," but, again, I immediately started to thinking, "What is wrong with it?" In this way, my reaction to the *Salvator Mundi* and *La Bella Principessa* was similar. The difference was, rather, with the handling of the attribution. In 2008, when the work was first known only to a handful of Leonardo scholars, the possible attribution to Leonardo of the *Salvator Mundi* was handled with great tact, care, and unbelievable security. The owner(s), whoever they are, were very cautious to secure scholarly opinions, and they controlled the release of information to the press, so as not to alienate the scholarly community. I was privileged to be able to include the work in my book *Christ to Coke,* which came out in 2012, only slightly before the National Gallery's Leonardo exhibition opened, and a careful article about the work in *The Sunday Times Magazine* (Oct. 9, 2011), discussed the scholarly details with considerable accuracy.

What do we know about Leonardo and the *Salvator Mundi?* First, we know that Leonardo originated a composition of a *Salvator Mundi,* Christ as savior of the world, which is known through the gangs of rather dispiriting copies made by other artists. Leonardo was heavily imitated, and the astonishing number of copies after his *Salvator Mundi* forms a kind of rogue's gallery (**FIG. 14**). One of the best of these was formerly in the Yarborough Collection, but today is only known through black and white photographs. Another version, formerly in the Cook Collection, on one occasion was referred to as a "drug-crazed hippie," while yet another, from the collection of the Marquis de Ganay, had been suggested as the original, though not with much acceptance.[8]

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[8] Joanne Snow-Smith, *The Salvator Mundi of Leonardo da Vinci* (Seattle: Henry Art Gallery, University of Washington, 1982).

The Royal Library at Windsor Castle also houses two large, beautiful drawings of sleeves for the *Salvator Mundi* executed in red chalk with white heightening on red prepared paper, an odd combination of materials, but one which Leonardo liked for its softness and magic (**FIG. 15**). Most of the known copies of the *Salvator Mundi* have different configurations of these drapery studies. Leonardo's finished paintings were not the only works copied; often his inventions leaked out with pupils and followers using earlier versions, drawings, and underpaintings as the basis for their own versions of the subject. This is what happened in the Yarborough version, which has draperies corresponding very closely to the Windsor drawings.

Largely through the research of Margaret Dalivalle, we also know that a highly prized version of the *Salvator Mundi* was owned by Charles I of Britain, a major collector and connoisseur, and who with his queen, Henrietta Maria, was a great Leonardo enthusiast. Charles I was executed in 1649, but the *Salvator Mundi* was engraved by the Czech engraver Wenceslaus Hollar in 1650 during the interregnum, when it was owned by Captain Stone (**FIG. 16**). The painting was returned to the crown after Charles II was reinstated as king, and was subsequently in the collection of the Duke of Buckingham, after which it disappeared. Consequently, we cannot absolutely identify the *Salvator Mundi* under discussion as the one that was in the Royal

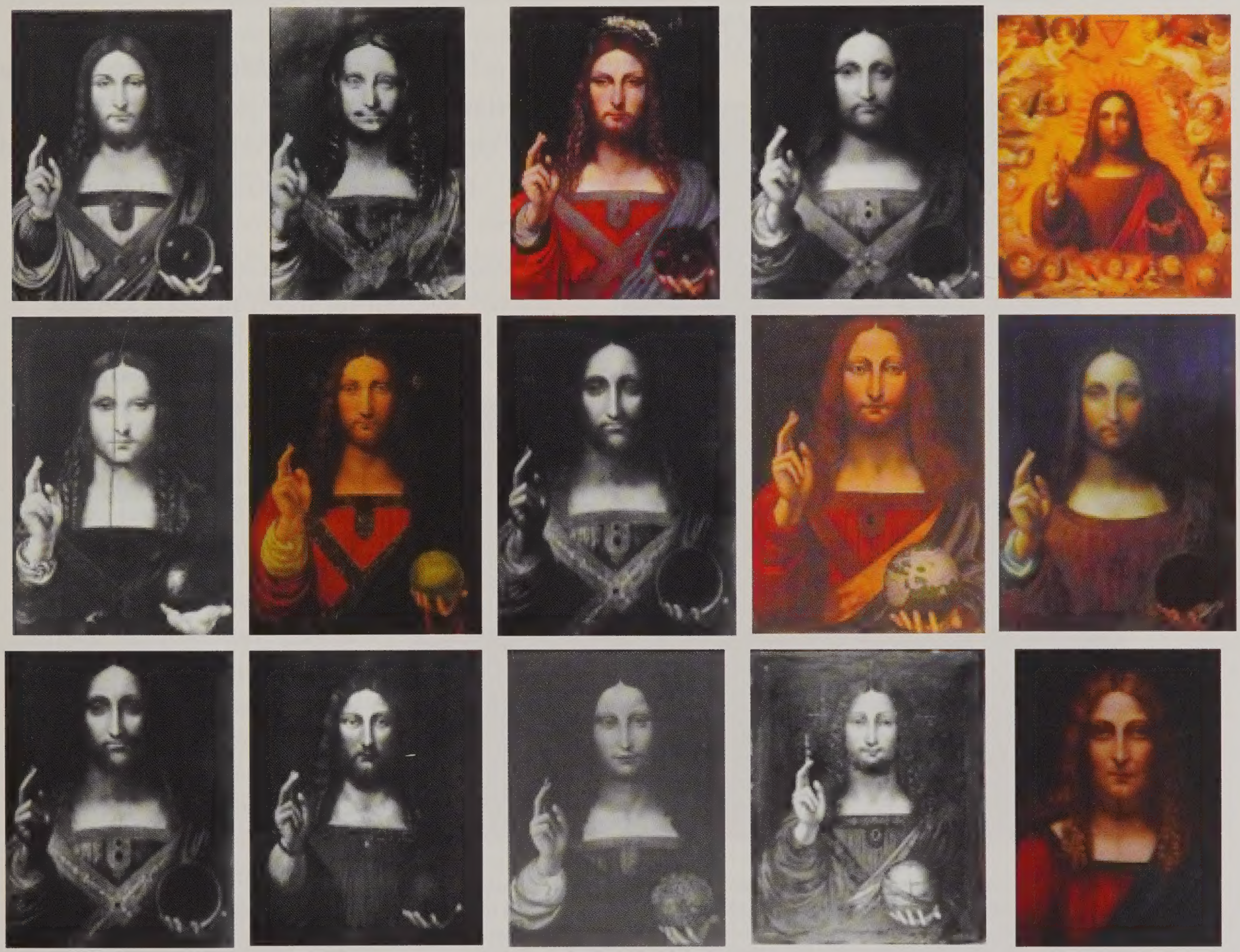

FIGURE 14. Photo showing a group of variants of Leonardo's *Salvator Mundi.* Top row, left, formerly in the collection of the Earl of Yarborough; top row, second from left, was described as a "drug-crazed hippie"; top center, in the collection of the Marquis de Ganay.

Collection, but the Hollar engraving, which is proportionally accurate, suggests strongly that the picture we now have is the one owned by Charles I, who was more likely to have owned the Leonardo original rather than a copy.

Charles I's painting of the *Salvator Mundi* seems to have ended up in the J.C. Robinson Collection, a major British collection, and then in the Cook Collection in 1900, from which it was sold in 1958 for what one might describe as pennies (**FIG. 17**). Indeed, this is the same painting of Christ as the "drug crazed hippie" that we saw in Figure 14. At the Cook Collection sale, it was listed as "after Giovanni Antonio Boltraffio," one of Leonardo's more accomplished pupils. In truth, although we were familiar with a black and white photo of the painting, none of us took it seriously. If you look carefully, however, you can see signs that it might not be as terrible as it seemed.

The picture was very badly damaged at some point. The walnut panel on which it was painted had warped and the grain had pushed up in places, and it had simply been planed down. In an attempt to cover up the damage, someone vastly overpainted it, covering lots of other bits in the process. The picture was recently restored with considerable skill by Diane Modestini of the Institute of Fine Arts in New York.

During the technical analysis, we found some telltale Leonardo signs, one of which is a handprint above Christ's left eye, readily visible in infrared photographs. As I have already mentioned, handprints are characteristic of Leonardo. The *Ginevra de Benci* in the National Gallery of Art in Washington is covered with hand and fingerprints. The cleaning and technical analysis revealed some other very interesting things, not least a pentimento, showing that the thumb was originally in a somewhat different position (**FIG. 18**). Diane decided to paint out the pentimento again, although I might have left it; it's actually rather telling.

> "The [*Salvator Mundi*] was very badly damaged at some point. The walnut pan on which it was painted had warped an the grain had pushed up in places …"

Looking at the detail of that hand, one can see that it is very soft, and not heavily modeled, and that there is a wonderful suggestion of how the skin passes over the knuckles, giving a very subtle suggestion of a structure underneath. All the other versions of the *Salvator Mundi* have fingers like big sausages, with no internal anatomy at all.

In order to cement the painting as a Leonardo, we need more than just style. One of the great virtues of the advances with Leonardo is that we have other criteria for determining authenticity. With *La Bella Principessa* there were questions as to the courtly function of the work; with the *Salvator Mundi*, we are dealing with the divine, the Son of God, natural design, and the order of things in the world. The painting also relates to Leonardo's

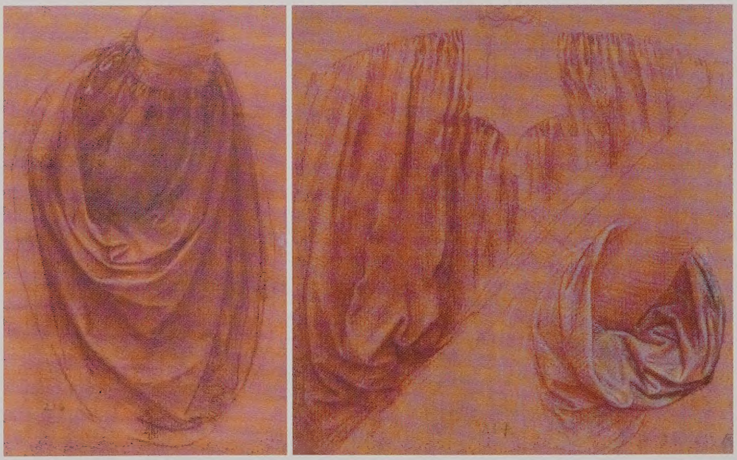

FIGURE 15 A and B. Leonardo da Vinci (A) *Drapery Study for a Salvator Mundi*, c. 1504-8. Red chalk with touches of white chalk and pen and ink on pale red prepared paper. 2.2 x 13.9 cm. Windsor Castle, Royal Library. Inv. 12524. (B) *Drapery Study for a Salvator Mundi*, c. 1504-8. Red chalk with pen and ink and white heightening on pale red prepared paper. 16.4 x 15.8 cm. Windsor Castle, Royal Library. Inv. 12525.

interest in the science of art and the representation of nature. We see this interest manifested in the figure's vortex-like hairstyle. In the margins of a very famous drawing in Windsor (**FIG. 19**), Leonardo wrote:

> Note the motion of the surface of the water, how it resembles that of the hair, which has two motions: one depends on the weight of the hair, the other on the direction of the curls. Thus, the water forms whirling eddies, one part following the impetus of the chief current and the other following the incidental motion and return flow.

If we look at a detail of the hair (**FIG. 20**), which is one of the best-preserved areas of the picture, one gets a sense of Leonardo's brushwork. His curls tend to have an inner structural logic to them, as if one could map out the vortex in its full three-dimensionality. Almost all of Leonardo's pupils can do this to a degree, but none of them achieves the internal structural logic of Leonardo's curls.

There are other interesting optical aspects of the painting as well, notably in the area of the sphere. The sphere was damaged in the upper part, but it is in better condition below, especially in the bits of highlight along the tips of the Savior's fingers and the thumb. Inside the translucent sphere are small bubble-like inclusions, which are beautifully painted with little commas of dark paint and impasto. These are not air bubbles, but irregular cavities within a large rock crystal sphere, where the bottom of the sphere acts as a kind of concave mirror, creating a glimmer running along the bottom of the sphere. Leonardo was immensely interested in the passage of light through transparent media, and these tricky effects of light and shade, reflections and refractions are characteristic of him.

Leonardo's interest in the properties of gemstones is also well attested. He was widely considered an expert in semiprecious stones; he praised some rock crystal vessels owned by the Medici, and Isabella d'Este, Marchesa of Mantua, who was a noted gem collector, wrote letters to Leonardo asking his advice.

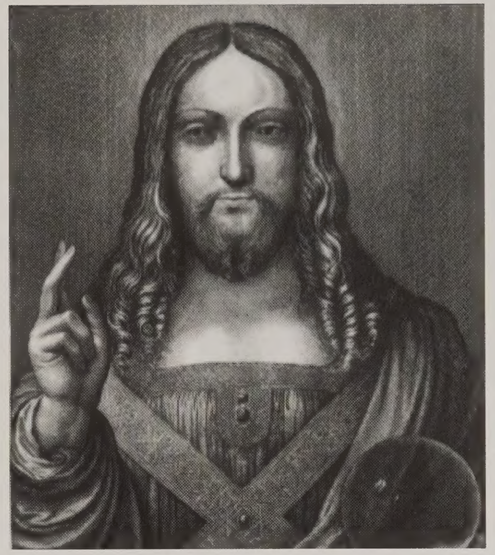

FIGURE 16. Wenceslaus Hollar. *Salvator Mundi,* 1650. Engraving after the *Salvator Mundi,* in the collection of Charles I.

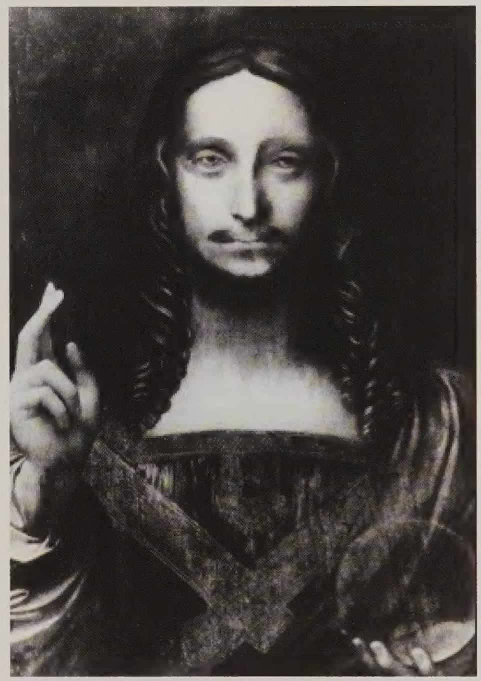

FIGURE 17. Leonardo da Vinci. *Salvator Mundi* (as it appeared in the Cook Collection before restoration).

Rock crystal spheres also have cosmological implications. In Ptolemy's *Cosmology* and the cosmology accepted at the time, fixed stars were seen as in the crystalline sphere, and in some theories, the

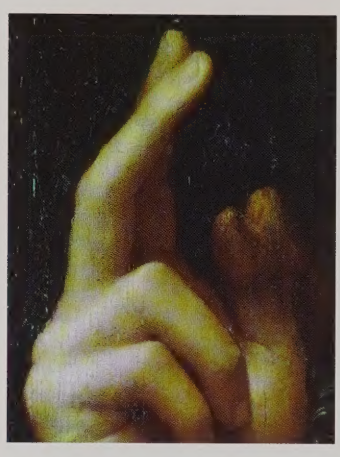

FIGURE 18. Detail of pentimento in the thumb, *Salvator Mundi*.

planets revolved on crystalline spheres as well. The presence of a crystalline sphere in a painting of Christ indicates that Leonardo has transmuted the subject from being a *Salvator Mundi* – savior of the world – to the savior of the cosmos. Raphael's *Astronomy* on the ceiling in the *Stanza della segnatura* in the Vatican shows a crystalline sphere representing the universe with the earth at the middle and signs of the zodiac engraved on the outside (**FIG. 21**). God, the prime mover of the cosmos is typically shown outside the crystalline sphere, although in Raphael's painting, the figure outside the sphere is *Urania*.

The *Salvator Mundi* also reflects that, in the first decade of the sixteenth century, Leonardo was radically revising his ideas on how the eye worked. He had originally thought that rays came to a point, but he later revised this idea since a point has no dimensions and can't be seen. So he developed a system based upon the camera obscura, in which the rays come in through the pupil of the eye and cross over. He could not accept that we see things upside-down, and consequently he needed an optical device with a spherical lens for re-inverting the image. The image is then received on a finite surface, not a point.

The consequence of this for Leonardo is that you can see past a thin object in front of the eye, and if you see an edge against the background, you see it in various positions in relation to the background. This prompted him to conclude, "The eye does not know the edge of any body." In essence, nothing is seen absolutely clearly by the eye. Leonardo did not know that the lens could focus, so that something that is in optimum range is seen moderately clearly, but something that is too close is not. Even at the optimum point, an object is not absolutely clear. I think that is what is happening in the *Salvator Mundi*. It is a very shallow picture with no clues of space, so Leonardo uses what photographers would call "depth of field." Namely, the face is much less clearly in focus than the hand.

When we consider the representation of the figure, Christ's eyes are quite unsettling. But if we look at late Leonardos, they are full of eyes that are doing

> "If we look at a detail of the hair … one gets a sense of Leonardo's brushwork. His curls tend to have an inner structural logic to them, as if one could map out the vortex in its full three-dimensionality."

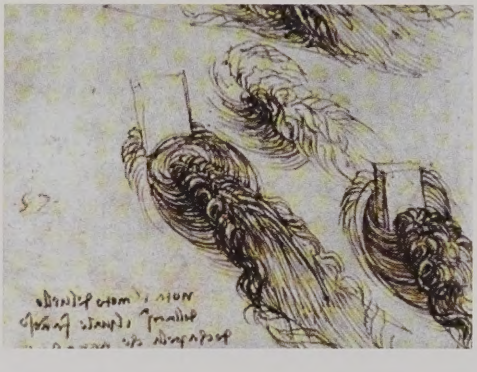

FIGURE 19. *Studies and Notes on the Movement of Water*, c. 1510. Pen and ink on paper. 15.4 x 21.7 cm. Windsor Castle, Royal Library.

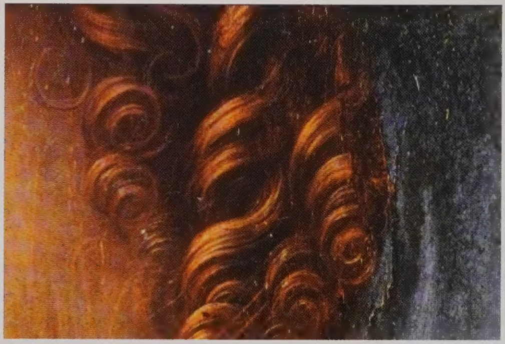

FIGURE 20. Detail of the hair in the *Salvator Mundi*.

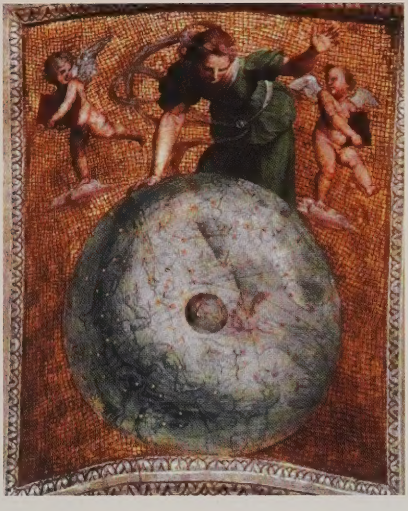

FIGURE 21. **Raphael. *Astronomy,* detail, *Stanza della signature,* 1508-1511. Vatican Palace.**

"spiritual" glances. A beautiful Leonardo drawing of a pointing woman, almost certainly Matelda from Dante's *Paradiso,* points the way. We also see it in Leonardo's *John the Baptist,* the man who knows the secret of who is coming after him, and points to the heavens. We know, too, that Leonardo drew an angel of the Annunciation also pointing to heaven, which today is known through a pupil's drawing in Windsor, which Leonardo corrected. These examples are all late Leonardos, and we get a clear sense that in the later stage of his life he was interested in the ineffable, and the infinite. He writes at one point, "I leave alone the sacred books, for they are supreme truth."[9]

Much is said about Leonardo as a heretic. He may not have liked what went on in the established church, but he absolutely believed in the orthodox Christian God. He also believed in God's design and that there was a realm outside the fixed universe, but that it was beyond our ability to comprehend it. We might understand the cosmos by *revelation,* but not by *reason.* In the *Salvator Mundi,* Leonardo depicts the prime mover outside the cosmos, whereas in his late *Deluge* drawings, we have forces of nature running uncontrollably (at least uncontrollably in human terms).

The *Salvator Mundi* embeds Leonardo's interest not only in optics, but also in the unseeable, the unknowable. Leonardo's late work is full of this sense of spiritual mystery. As a young man, Leonardo thought that if you looked at everything, you could understand it; later on, that confidence of youth had been severely eroded. In some ways, I think the *Salvator Mundi* complements the *Mona Lisa* **(FIG. 22),** which is not just a portrait, but a profound meditation on the body of the woman and the body of the earth. It is a picture about the supreme presence of analogies, and of the earth, and how it works. Correspondingly, the *Salvator Mundi* is signaling the other world – not the world of the earth, but the world of the spirit which lies outside the earth.

In sum, these are my two discoveries in the world of Leonardo. Whether you go into the "aye" or the "no" lobby is up to you, and up to everyone at the end of the day. I will continue to explore the mechanisms behind these attributions in *Living with Leonardo.* But I should probably begin the book with a health warning – working with Leonardo is not very good for your state of mental health.

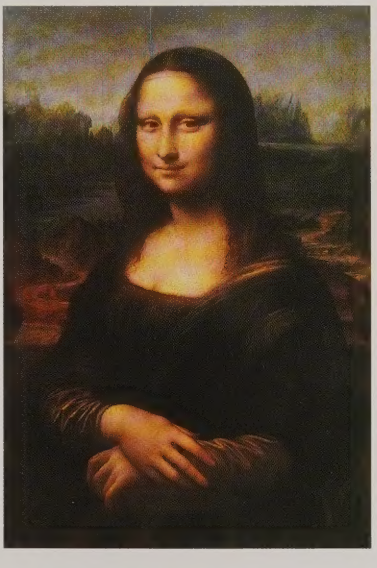

FIGURE 22. Leonardo da Vinci. *Mona Lisa,* 1503-06. Oil on panel. 77 x 53 cm. Museé du Louvre, Paris.

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[9] "On the Origin of the Soul" from *The Notebooks of Leonardo da Vinci,* compiled and edited from the original manuscripts by Jean Paul Richter, Vol. 2 (New York: Dover Publications, 1970), p. 127.

NEWS FROM LEONARDO

Q & A

Q Does the cleaning of the *Virgin of the Rocks* in the National Gallery in London leave you with any question as to whether Leonardo painted it?

A The technical examination – we have the infrared of the underdrawing – leaves no doubt that Leonardo was deeply engaged with that picture. Luke Syson, curator of the Leonardo exhibition at the National Gallery in London, who is in the audience, could speak to that better than I can. Leonardo was initially charged with providing a picture for the altarpiece in San Francesco, Milan, that is to say the Louvre *Virgin of the Rocks.* The painting had probably been snaffled by Ludovico Sforza, and Leonardo rather characteristically thought of doing a different composition, as the newly revealed underdrawing of the London version shows. At some point, however, he came – unusually for Leonardo – to his senses to do something like a copy of the painting in the Louvre. Luke and I might disagree on the extent to which the London *Virgin of the Rocks* is by Leonardo, but that is rather splitting hairs, because the best parts are obviously by Leonardo. Whether you think that the slightly less thrilling passages were done by him or the studio is a matter of opinion. What we understand more and more from technical examinations of Leonardo's work is that there is a very complicated relationship between the various productions of pictures in the studio. We generally don't want to assume that Leonardo had a production line like Botticelli and Bellini, but he did.

Q When a new Leonardo comes up, how many scholars, or which scholars, have to be in agreement in order to say it that is correct?

A I used the voting analogy in my talk, but I absolutely would not want to push that beyond the level of a joke. You get a sense from the press that you line up people who have different opinions and see which side of the opinion has the heavier crew. I would be delighted if all the Leonardo scholars accepted the *Salvator Mundi*, but indeed there are still questions about it. One major Leonardo scholar thinks that it was not begun by Leonardo, and the question of studio participation in that work is a lively issue, made difficult by aspects of its condition. But, ultimately, acceptance comes by consensus. The *Madonna Litta* in the Hermitage, which was catalogued by Tatiana Kustodieva in the catalogue of the National Gallery exhibition as a Leonardo, would be regarded by most scholars as a work by "Leonardo and Company" rather than by Leonardo himself. So it is a complex process. We will probably need another fifty years or so for some kind of consensus on the *Salvator Mundi.*

> "We generally don't want to assume that Leonardo had a production line like Botticelli and Bellini, but he did."

Q The face – the expression – of the *Salvator Mundi* seems so heavy. It lacks illumination behind the eyes, and the way the face is shaped is not like those of other Leonardo paintings. Can you address that?

A The obvious point of comparison for a frontal Christ is the *Last Supper,* which is incredibly damaged. But we have to take into account what the *Salvator Mundi* really is. It is a full-frontal

> "I would be delighted if all the Leonardo scholars accepted the *Salvator Mundi,* but indeed there are still questions about it. … We will probably need another fifty years or so for complete consensus."

Christ who is acting as the savior of mankind, but represented in a benignly dictatorial way. The *Salvator Mundi* paintings are devotional images, but they are frontal and very assertive. Nicholas Penny described the *Salvator Mundi* as a "bit weird."[1] And Leonardo, frankly, is not immune to a bit of weirdness because he is aiming for such extreme effects of understanding nature and conveying spirituality. In some ways, it is also a rather uneasy picture; what Leonardo does with this extremely illusive technique is to invite the spectator in. One reason we are so fascinated by Leonardo and other artists who leave the viewer with room to work is that he invites a reading of the image which is not absolute.

Q I believe, back in the 1990s, you pronounced the Hahn version of *La Belle Ferronnière* a fake. What were some of the reasons?

A That was an immensely picturesque case. Harry Hahn and his French wife inherited a version of the so-called *La Belle Ferronnière,* which I called *Lucrezia Crivelli* in my talk, and were about to sell it to a Kansas City museum as a Leonardo. In 1920, when the press asked the dealer Joseph Duveen whether the Hahns' painting was a Leonardo, he said, "No! The real Leonardo is in the Louvre." Hahn then sued Duveen in the New York courts. John Brewer has written a terrific book about this called *The American Leonardo* [2009]. During the trial, Bernard Berenson and others testified. Berenson mounted no real defense of connoisseurship at all; he basically said "I know because I know." The Hahns' New York lawyer wasn't very impressed by that line of reasoning, and dismembered Berenson on the stand.

When *La Belle Ferronnière* reappeared, I was asked to go and see it. This was the first and only time I have accepted expenses, because after they paid my airfare and put me up in a hotel, they thought I was going to say that it was Leonardo. I studied the painting for about a day, and it is immensely pretty, but it is almost overly classical and more polished than Leonardo. My sense was that it was a lovely picture, but by Laurent de la Hyre or Eustache Le Sueur or one of these very classicizing, very perfect, very polished French artists. I said that, and I got abuse from the Hahn family and Leon Loucks in the press. The painting was technically examined and then recently sold at auction.[2] I would not say it's a fake; it's a lovely copy. But that was mainly just visual instinct.

Q Certain journalists and journals tend to inflame controversy. What impact do you think that has on scholarship and scholars?

A It has a big impact, more than the scholarly world would like to admit. How something comes at you, how you learn about it, and how the press deals with it can have an impact. Very often the press will get hold of an aspect of the argument, and will inflate it, distort it, and end up creating enormous difficulty. This is one reason why you need to issue the press material and the scholarly material at the same time. Scholars may still disbelieve you, but they get incredibly irritated (rightly) if the argument is going on in the press and they haven't seen the data. That happened with *La Bella Principessa* in a big way; whereas the handling of the *Salvator Mundi* was exemplary. There was a point where it looked like it was getting out of control, but two very clear press releases were issued, and the situation was reined back in. I do not wish to be hostile to the press, because I ride the press as much as other people in the public eye do. They have a job to do, and stories to tell. But you need to be aware that the press is not on your side or anybody's side. They are on the side of the story.

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[1] Quoted in Kathy Brewis, "Leonardo? Convince Me," *The Sunday Times* (Oct. 9, 2011).

[2] It sold for $1,530,500 including buyer's premium. *Important Old Masters Painting and Sculpture Sale,* Sotheby's New York, Jan. 28, 2010, lot. 18.

Q What criteria do scholars use in differentiating Leonardo's studio from a Leonardo?

A That is a very good and complicated question. It is a combination of things, including looking at the drawings, which are obviously incredibly important. In the case of the *Madonna Litta,* I think it is clear that the drapery drawings are very polished but not by Leonardo, so you may have that kind of background evidence of studio participation. Sometimes a pupil or follower has collaged a cartoon or a bit of cartoon from another painting into a picture, and so you are lucky enough to be able to see the assembly of the work inside and even outside the studio. Technical examination helps a good deal as well. Leonardo tended to manipulate the compositions a lot as he went on, less with the portraits, which are mainly done from cartoons or part-cartoons, but in the other pictures, quite a few changes go on. Leonardo's pupils do not typically make changes; they go into the composition as it stands. You do keep coming back to a judgment by eye. That will never disappear. A lot of art historians would say, "We're social historians." But unless you know who painted what, then your social history becomes quite wobbly as well.

Q The newly-restored and cleaned *Mona Lisa* in the Prado, which everyone seems to accept was begun around the same time as the *Mona Lisa* itself, is apparently telling scholars a lot about Leonardo's practice. I believe it even had an influence on you in the study of the *Madonna of the Yarnwinder* – the painting that was stolen and later recovered. Could you elaborate on that?

A The whole case of the Prado *Mona Lisa* has been incredibly hyped. I think it tells us less radical things than we already knew. The *Yarnwinder* was the first very clear technical demonstration of two pictures being produced side-by-side in Leonardo's studio. The Prado *Mona Lisa* was a rather ill-regarded version of the *Mona Lisa* with a black background, which has since been cleaned. It has been suggested that the underdrawing, seen in the technical examination of the *Mona Lisa*, is reflected in this version. What probably happened was that the *Mona Lisa* had been begun, and Leonardo's pupils began making a kind of "ghost" or mirrored copy of it. That is not a huge surprise. The only surprise is that they would make a copy of a portrait of a bourgeois Florentine lady. Why would you want two versions of it? A devotional picture is a different matter. Regarding the dating, the landscape in the Prado version is best aligned with versions we have dated to a good deal later. The *Mona Lisa*, we know, was underway in 1503, so the copy presumably was underway at the same time. But as a number of us have been saying for years, the *Mona Lisa* was finished much later than 1503; you can see that from the finish of the picture – the handling of the paint, even the craquelure. It may not even be quite finished now. But the story got hyped all out of proportion.

Q The crystal in the *Salvator Mundi* is quite large. It surely must be magnifying the palm or the hand. Has that been looked at?

A There is a sort of double heel to the hand. I was tempted at one point to say, "Ah, this might be a double refraction," but, in fact, refraction in rock crystal is very elusive and very tiny. I think that what I was looking at was probably a pentimento that has come through. But regarding the sphere, if the sphere magnified everything in the way a rock crystal sphere would, Christ's hand would look totally absurd. Leonardo had a whole range of optical effects at his disposal, but he believed that extreme optical effects were for the *speculatori,* the philosophers or people like himself who wrote about light, but not for painters. He paints things that look "right" on the basis of his understanding of nature, but ultimately, he is painting works of *fantasia*, works of imagination, not scientific demonstrations.

Q When medieval manuscripts were manufactured, or early books on vellum were printed, the printers, or the scribes involved paid very careful attention to the double-page openings, so that the flesh side would only face flesh side, and hair side face hair side. So my question is double: could the scientists determine whether the princess was painted on the hair side or the flesh side and, if so, when she is put back in the Warsaw book, is she on the correct side?

A Yes, the work is painted on the follicle side, on the hair side. So the smooth side is going to be facing the Birago illustration.

Q Regarding *La Bella Principessa,* opinion is very strongly divided as to the attribution, whereas the *Salvator Mundi* seems to have been more or less accepted, with the exception of a few doubters. What can actually happen with *La Bella Principessa,* other than to find a manuscript by Leonardo that literally says, "I did this," to resolve the dispute?

A I could say, slightly rudely, that it is New York, and maybe Munich, against the rest. But what you are asking for are levels of proof that are available for no Leonardo portraits. We have a description of Leonardo painting the *Last Supper,* and that is the only work with a continuous provenance.

We are going to have a meeting in The Hague on attributions and methods of attribution, with a discussion of the current situation of the interdigitation of connoisseurship and science. It is disastrous. We have no idea how to interdigitate, evaluate, or handle these things in a systematic and measured manner. Any organization interested in attribution faces the question of how you take different sorts of evidence: provenance, technical, content, and the physical examination of the painting, and analyze how they work together in evaluating the picture. On one thing I am absolutely clear, that although I am an art historian, I was trained as a scientist and I think that any single bit of scientific evidence that contradicts the attribution – like finding lead tin yellow in a Leonardo portrait – is decisive. I am a kind of Popperian falsificationist (one of the doctrines of Karl Popper, the philosopher of science.). That is to say, I will not believe something is absolutely certified true, only that it is very likely. Something can always be decisively falsified. So, what if someone came along and proved the attribution untrue, showing that *La Bella Principessa* was a forgery? I would be astonished, because the forger would have had to be working before all the technical evidence was available.

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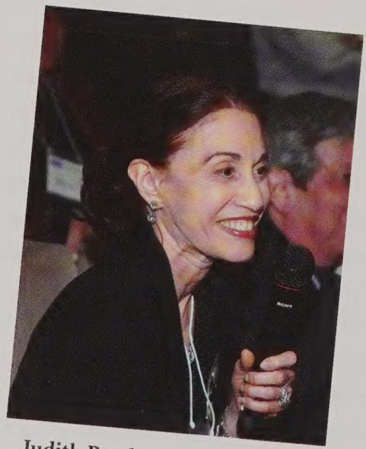
CONT. ➔

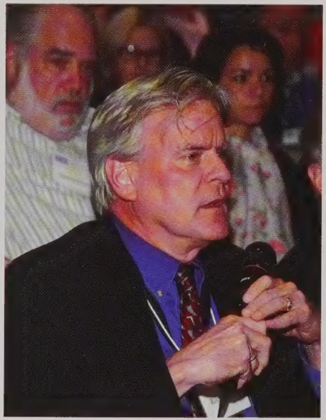
SCENES FROM AN IFAR EVENING

Sharon Flescher, IFAR's Executive Director, and Michael Thomas

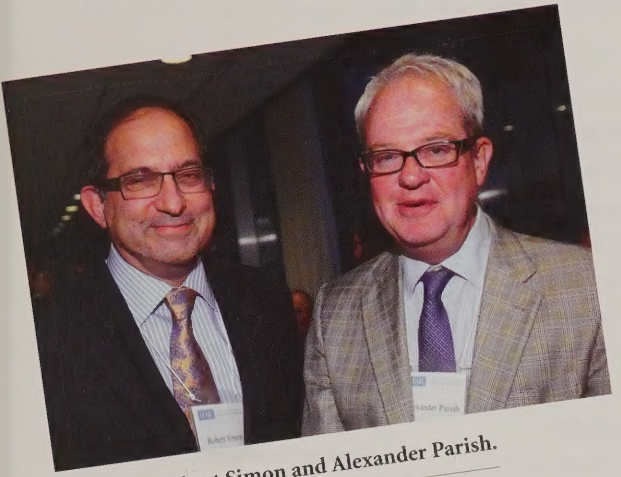
Milton and Jacqueline Esterow.

Left to right: Diane Burke, Margaret Klein, William Hoar, and Virgilia Klein, IFAR Board Member.

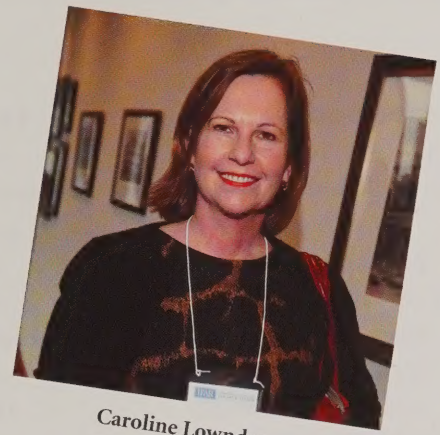

Judith Bresler asks a question.


Roger Wieck.

Morris E. Zukerman.



Robert Simon and Alexander Parish.



Caroline Lowndes.

Lisa Hahn reads the *IFAR Journal.*

Left to right: Lucille Roussin, Emmanuel Lemakis, Suzanne Lemakis, and Dick Linthicum.

Trish and Michael O'Neill.

Martin Kemp signs copies of his book for IFAR's guests.

Credit for these photos and all other images of speakers and guests at this program: Steven Tucker.

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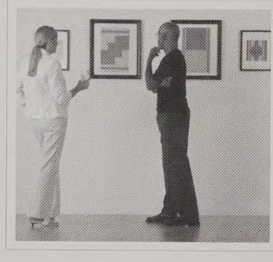

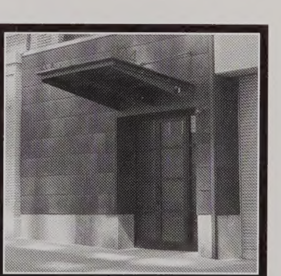

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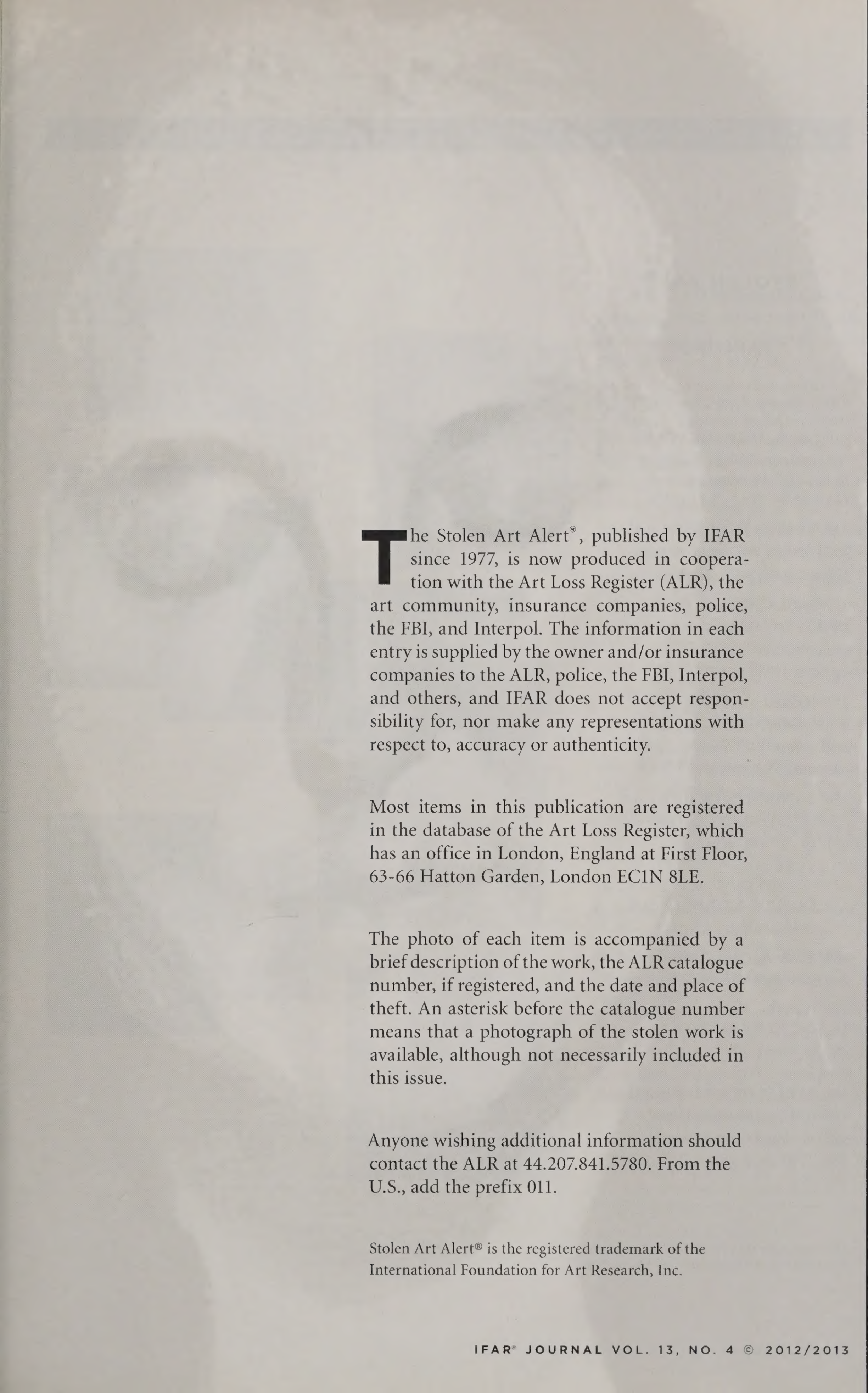

The Stolen Art Alert®, published by IFAR since 1977, is now produced in cooperation with the Art Loss Register (ALR), the art community, insurance companies, police, the FBI, and Interpol. The information in each entry is supplied by the owner and/or insurance companies to the ALR, police, the FBI, Interpol, and others, and IFAR does not accept responsibility for, nor make any representations with respect to, accuracy or authenticity.

Most items in this publication are registered in the database of the Art Loss Register, which has an office in London, England at First Floor, 63-66 Hatton Garden, London EC1N 8LE.

The photo of each item is accompanied by a brief description of the work, the ALR catalogue number, if registered, and the date and place of theft. An asterisk before the catalogue number means that a photograph of the stolen work is available, although not necessarily included in this issue.

Anyone wishing additional information should contact the ALR at 44.207.841.5780. From the U.S., add the prefix 011.

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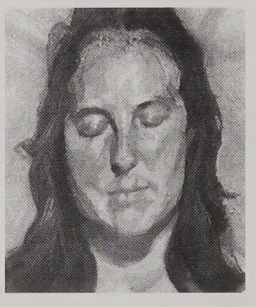
STOLEN ART*

PAINTINGS

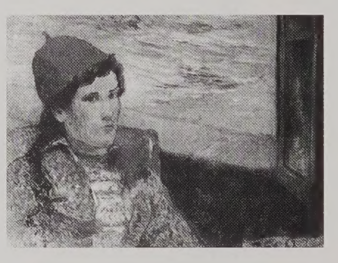
*The following 7 paintings and works on paper were stolen from the Kunsthal Rotterdam in The Netherlands during a burglary in the early morning hours of October 16, 2012. *L12.1017:*

156. **LUCIEN FREUD** (English, 1922–2011). ***Woman with Eyes Closed,*** 2002. 30.5 x 25.4 cm.



156

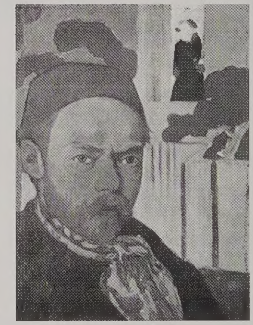
157. **PAUL GAUGUIN** (French, 1848–1903). ***Girl in front of open window,*** 1888. Oil. 33.81 x 41 cm (approx. 13 ¼" x 16 ¼").



157

158. **HENRI MATISSE** (French, 1869–1954). ***Girl reading in white and yellow,*** 1919. See color photo on inside back cover.

159. **JACOB MEYER DE HAAN** (Dutch, 1852–1895). ***Self Portrait,*** c. 1889–91. Oil on canvas. 32.3 x 24.5 cm.

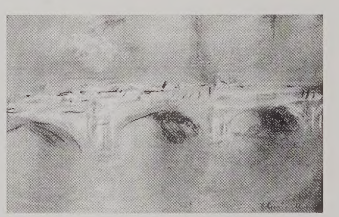


159

CLAUDE MONET (French, 1840–1926):

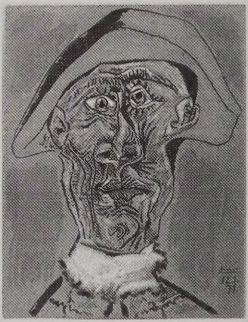
160. ***Charing Cross Bridge,*** 1901. See color photo on inside back cover.

161. ***Waterloo Bridge, London,*** 1901. Pastel. 30.51 x 48.01 cm (approx. 12" x 19").



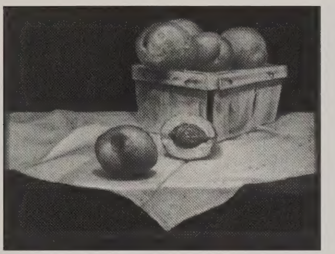
161

162. **PABLO PICASSO** (Spanish, 1881–1973). ***Harlequin Head,*** 1971. Colored drawing on paper. 38 x 29.01 cm (appprox. 15" x 11 ½").



162

**Numbering for the year 2011/2012 Cumulative Index of Stolen Art began with Vol. 13, nos. 1 and 2.*



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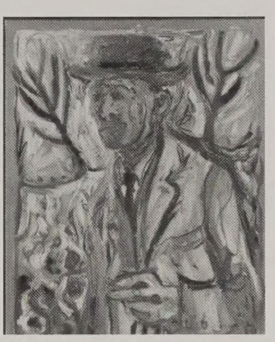

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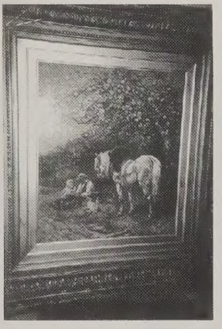

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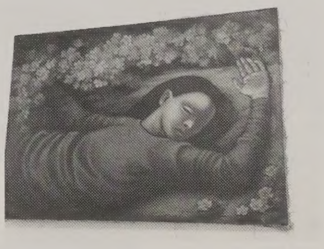

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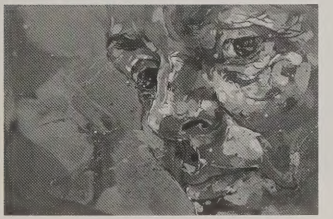

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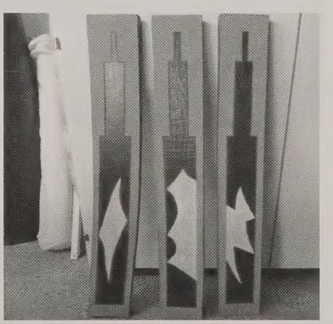

168

163. **WILLIAM WARD BEECHER** (American, 1921–2006). ***Still Life with Basket of Peaches.*** Oil on board. 15.24 x 20.32 cm (6" x 8"). *L12.553. Stolen from a private residence in Cornwall, CT on July 30, 2011.

164. **BILLY CHILDISH** (English, born 1959). ***Untitled (Portrait of Robert Walser),*** 2009. Oil and charcoal. 91.01 x 70.99 cm (approx. 35 ¾" x 28"). Signed verso. *L12.577. Stolen in transit in Athens, Greece on December 20, 2010.

165. **HEYWOOD HARDY** (English, 1842–1933). ***The Farmer's Lunch,*** 1895. Oil on canvas, 49.99 x 40.01 cm (19 ¾" x 15 ¾"). *L12.939. Stolen from a private residence in Knutsford, England on November 24, 1999.

166. **RICARDO MARTINEZ** (Mexican, 1918–2009). ***Female Figure with Floral Background.*** Oil on canvas, 59.99 x 80.01 cm (approx. 23 ½" x 31 ½"). Signature and title on original stretcher. *L12.927. Stolen in transit in Mexico City on September 6, 2012.

167. **REBECCA MOLLOY** (English, contemporary). ***Moulded.*** Acrylic on Perspex. 10.01 x 15.01 cm (approx. 4" x 6"). *L12.816. Stolen from a gallery in London, England on July 18, 2012.

168. **JOANNA PASKIEWICS-JÄGERS** (Polish, contemporary). ***Untitled,*** 1990. Three paintings, each on a wood panel measuring 102.01 x 10.01 cm (approx. 40 ¼" x 4"). *L12.1050. Stolen in Amsterdam, The Netherlands on October 10, 2012.

169. **CYNTHIA GENN TOFFEY** (American, contemporary). ***Great Women of the Past*** (one of a series), 2000. Oil on canvas, 60.96 x 60.96 cm (24" x 24"). Signed verso. *L12.741. Stolen from a private residence in Richmond, CA on July 4, 2012.

170. **FRED UHLMAN** (German/English, 1901–1985). ***Central Park,*** 1950. Oil on canvas. 38.1 x 55.91 cm (15" x 22"). Sign l/r. *L12.771. Stolen from a studio in London, England on May 10, 2012.

171. **Unknown Artist. *Miniature of Jemima Taylor.*** 6.5 x 6.5 cm (approx. 2 ½" x 2 ½"). *L12.621. Stolen from The Guildhall of Corpus Christi in Suffolk, England on June 26, 2012.

172. **Unknown Artist** (English, 17th century). ***William, 1st Lord Maynard.*** Oil on panel. 109.22 x 80.01 cm (43" x 31½"). *L12.711. Stolen from a private residence in Sidestrand, England on May 14, 2012.

173. **FRANS JACOBUS VAN DEN BLIJK** (Dutch, 1806–1876). ***Ships,*** 1867. Oil painting. 49.99 x 70 cm (approx. 19 ¾" x 27 ½"). *L12.546. Stolen from a private residence in Aerdenhout, The Netherlands on April 23, 2012.

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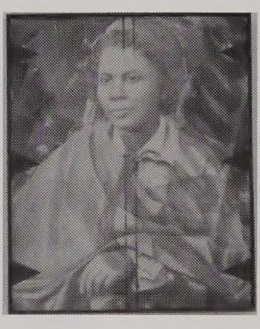
*The following paintings were stolen from a private residence in Stockholm, Sweden on July 17, 2012. *L12.749:*

174. **ALBERT-ERNEST CARRIER-BELLEUSE** (French, 1824–1887). ***Promenade en bord de la Seine.*** Oil on canvas. 43.99 x 61.01 cm (approx. 17 ¼" x 24").

175. **ALBERT GUSTAF ARISTIDES EDELFELT** (Finnish, 1854–1905). ***Mete vid bron,*** 1887. Watercolor on canvas. 54.99 x 37.01 cm (approx. 21 ½" x 14 ½"). Signed and dated.

176. **HELMER OSSLUND** (Swedish, 1866–1938). ***Angermanalven om hösten,*** 1900. Oil on canvas. 114 x 135.99 cm (approx. 44 ¾" x 53 ½"). *L12.749. Stolen from a private residence in Stockholm, Sweden on July 17, 2012.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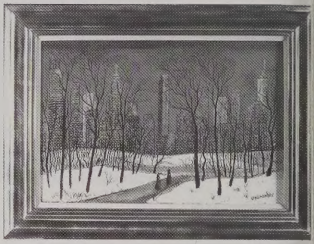
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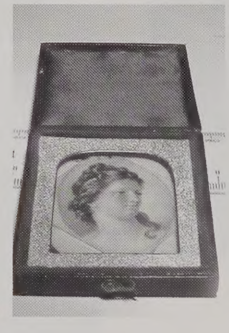
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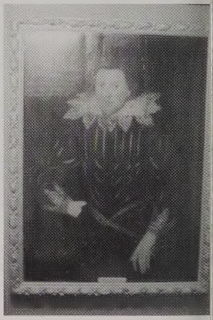
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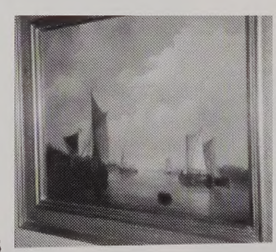
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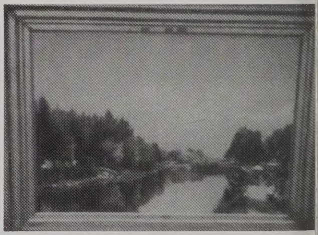
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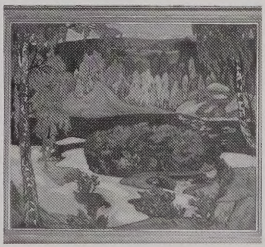
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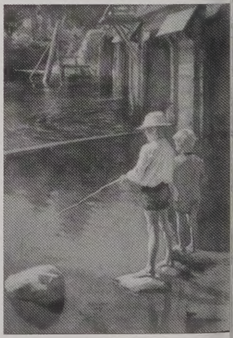
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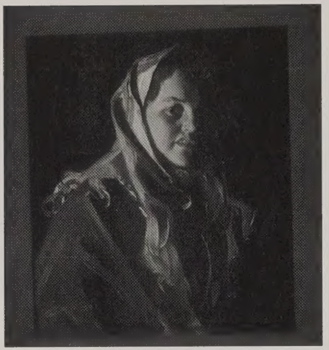

177

177. **ANDERS LEONARD ZORN** (Swedish, 1860–1920). ***Flickan,*** 1902. Oil on canvas. 54 x 46.99 cm (approx. 21 ¼" x 18 ½"). Signed and dated verso.

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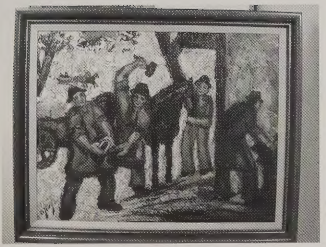
*The following three paintings were stolen from a private residence in Vancouver, Canada on July 27, 2012. *L12.783:*

HENRY MAURICE D'ANTY (French, 1910–1998):



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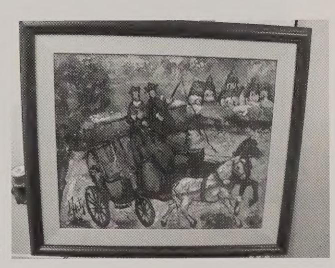
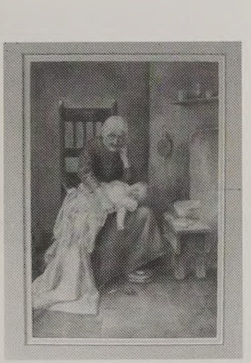


179

178. ***La Forge.*** Oil on canvas. 60.96 x 101.6 cm (24" x 40").

179. ***Two horses pulling carriage with two men in front.*** Oil on canvas. 50.8 x 40.64 cm (20" x 16").

180. **HENRY BENJAMIN ROBERTS** (English, 1852–1915). ***Old Lady with Baby.*** Oil painting. 76.2 x 60.96 cm (30" x 24").



180

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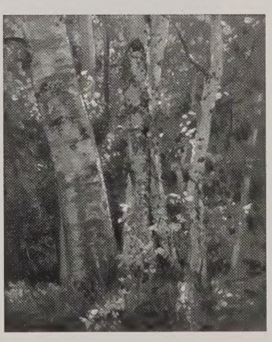
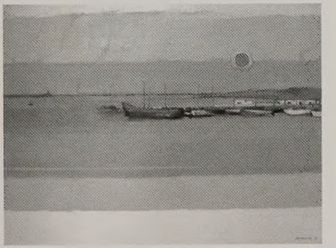
*The following three paintings were stolen from a gallery in Toronto, Canada on August 26, 2012. *L12.840:*



181

181. **FRANCIS HANS JOHNSTON** (Canadian, 1888–1949). ***Group of Birches,*** 1920. Oil on board. 30.48 x 24.76 cm (12" x 9 ¾").

182. **SYLVIA LEFKOVITZ** (Canadian, born 1924). ***Harbor Scene #2,*** 1976. Oil on canvas. 60.96 x 81.28 cm (24" x 32"). Signed l/r.



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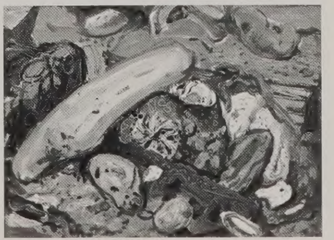

183

183. **ARTHUR LISMER** (Canadian, 1885–1969). ***Beach Litter,*** 1954. Oil on board. 30.48 x 40.01 cm (12" x 15 ¾").

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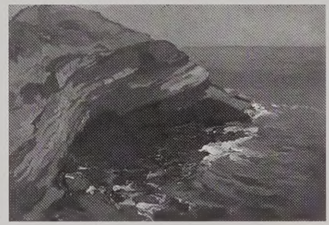
*The following three paintings were stolen from a storage locker in California on July 29, 2012. *L12.860:*

184. **FRANZ A. BISCHOFF** (American, 1864–1929). ***The Sea Grotto.*** Oil on canvas. 33.02 x 48.26 cm (13" x 19"). Signed l/r.

185. **OLAF OLESEN** (Danish, 1873–1953). ***Winter.*** Oil on canvas. 76.2 x 66.04 cm (30" x 26"). Signed l/r.

186. **GEORGE PATTEN** (English, 1801–1865). ***Duel After the Masked Ball.*** Oil on canvas. 38.2 x 55.91 cm (15" x 22").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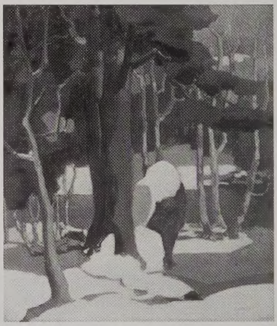
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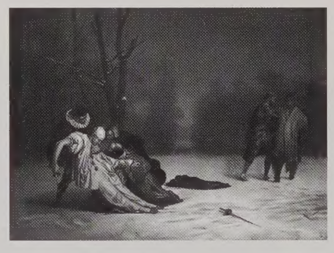
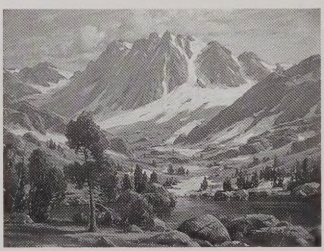

186

The following two paintings by **PAUL GRIMM** *(American, 1893–1974) were stolen from a gallery in Los Angeles, CA on August 18, 2012. *L12.878:*

187. ***Sunkissed Slopes,*** 1936. Oil on board. 40.64 x 50.8 cm (16" x 20").

188. ***Mountain Landscape.*** Oil on canvas. 60.96 x 76.2 cm (24" x 30"). Signed l/l.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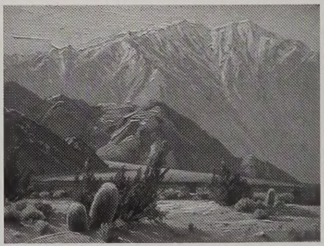
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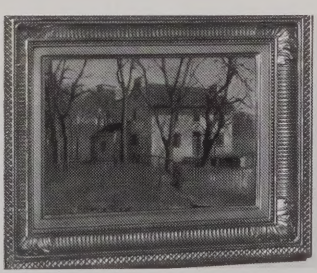
*The following two paintings were stolen from a gallery in Newport, RI on September 27, 2012. *L12.1035:*

189. **WILLIAM TROST RICHARDS** (American, 1833–1905). ***Capri,*** c. 1880–1890. See color photo on inside back cover.

190. **ANNA RICHARDS BREWSTER** (American, 1870–1952). ***Oldmixon Farm,*** c. 1890–1900. Oil on canvas. 21.59 x 31.12 cm (8 ½" x 12 ¼").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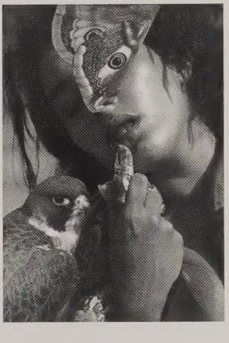
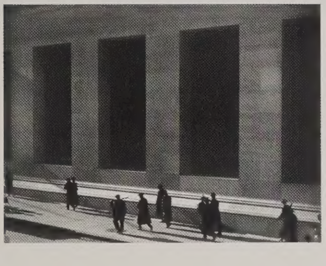
MIXED MEDIA



191

191. **ALLAN LINDER** (American, born 1966). ***Physio-Kundalini Syndrome II.*** Collage. 24 x 16.99 cm (approx. 9 ½" x 6 ¾"). *L12.1054. Stolen in transit in London, England on July 1, 2012.

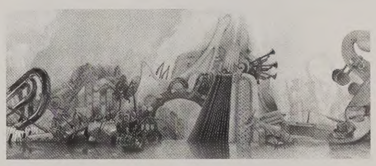
PHOTOGRAPHS



192

192. **PAUL STRAND** (American, 1890–1976). ***Wall Street,*** 1976. Print. 22.86 x 33.02 cm (9" x 13"). Archive stamp on reverse: Palladium Print. *L12.883. Stolen in transit in Los Angeles, CA on September 17, 2012.

WORKS ON PAPER



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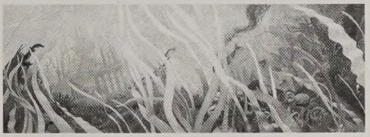
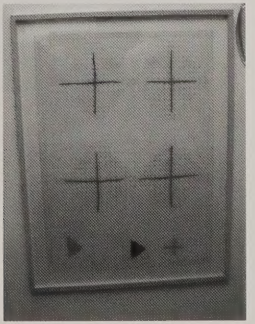


193

The following two works on paper by **PAUL ECHEGOYEN** *(French, contemporary) were stolen from a gallery in Paris, France on July 28, 2012. *L12.900:*

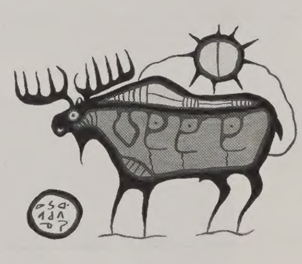
193. ***L'atlantide,*** 2008. 29.69 x 84 cm (approx. 11 ¾" x 33").

194. ***La musique engloutie,*** 2008. 24.99 x 59.99 cm (approx. 9 ½" x 23 ½").



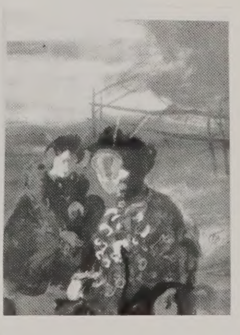
195

195. **A. DE GROOTE** (Dutch, contemporary). ***Drawing with 4 crosses,*** 1980. 100 x 75.01 cm (approx. 39 ⅓" x 29 ½"). *L12.1050. Stolen in Amsterdam, The Netherlands on October 10, 2012.



196

196. **NORVAL H. MORRISSEAU** (Canadian, 1932–2007). ***Untitled (Moose),*** 1968. Acrylic on paper. 53.29 x 73.71 cm (approx. 21" x 29"). *L12.721. Stolen from a delivery van in Canada on July 18, 2012.



197

197. **KUZ'MA SERGEYEVICH PETRIV-VODKIN,** (Russian, 1878–1939). ***Untitled,*** 1905. Watercolor with bronze and aluminum paint on paper. 30.2 x 21.49 cm (approx. 11 ¾" x 8 ½"). *L12.523. Stolen from a private residence in Russia on July 3, 2003.

ETCHINGS

198. **FLIP VAN DER BURGT** (Dutch, 1927–1977). ***3 Etchings of Nudes.*** Etching. 4.01 x 5 cm (approx. 1 ½" x 2"). Ed. no: 3/80. *L12.1050. Stolen in Amsterdam, The Netherlands on October 10, 2012.

199. **REMBRANDT HARMENSZ. VAN RIJN** (Dutch, 1606–1669). ***Woman Bathing Her Feet at a Brook.*** Etching. 20.5 x 11.81 cm (approx. 8" x 4 ¾"). *L12.972. Stolen from a gallery in London, UK on August 13, 2012.

200. **WAYNE THIEBAUD** (American, born 1920). ***Pink Cone,*** 1955. See color photo on inside back cover.

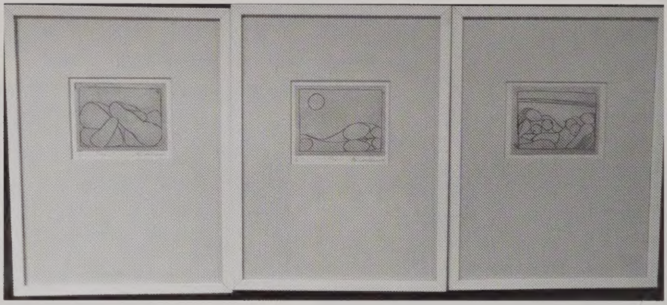
The following etchings by **PABLO PICASSO** *(Spanish, 1881–1973) were stolen from a gallery in Washington, DC on October 12, 2012. *L12.1052:*

201. ***Têtes et Figures Emmelées: from Vollard Suite,*** 1930–1937. Etching. 60.96 x 50.8 cm (24 " x 20"). Signed in pencil l/r.

202. ***Man Unveiling Woman: from Vollard Suite,*** 1937. See color photo on inside back cover.

PRINTS, LITHOS

203. **DAMIEN HIRST** (English, born 1965). ***Six Butterflies Suite: Navy.*** Polymer. 76.2 x 60.96 cm (30" x 24"). *L12.1052. Stolen from a gallery in Washington, DC on October 12, 2012.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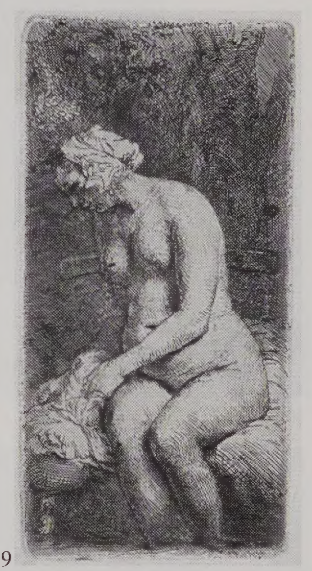
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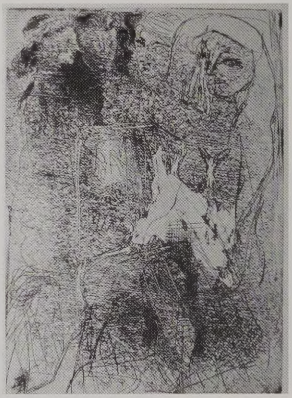
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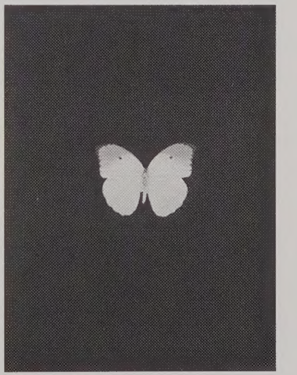
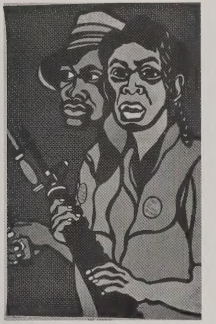

203

The following lithographs by **EMORY DOUGLAS** *(American, born 1943) were stolen from a gallery in London, England on September 5, 2012. *L12.931:*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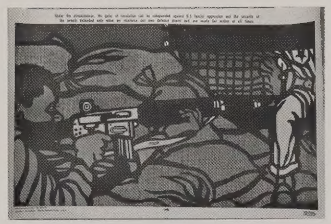
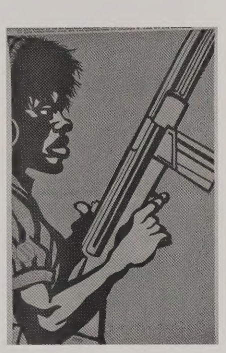

205

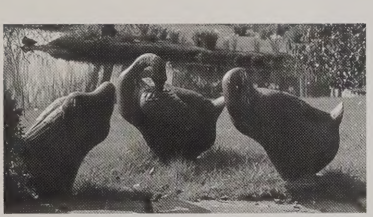

206

204. ***The Lumpen,*** 1970. Lithograph. 57.4 x 37.9 cm (approx. 22 ½" x 15").

205. ***Under the circumstances, the gains of revolution can be safeguarded against U.S. fascist aggression,*** 1970. Lithograph. 38.2 x 57.4 cm (approx. 15" x 22 ½").

206. ***Warning to America,*** 1970. Lithograph. 57.4 x 38 cm (approx. 22 ½" x 15").

SCULPTURE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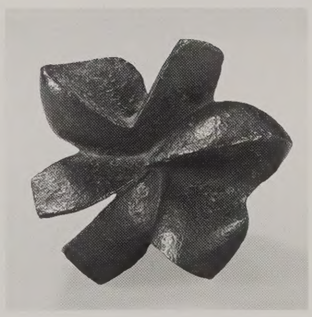
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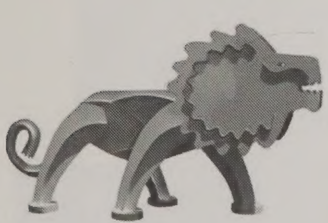
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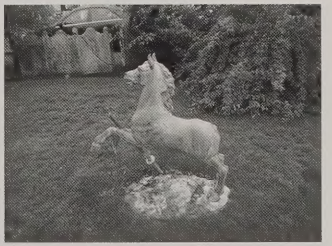

210

207. **GERALDINE KNIGHT** (English, born 1932). ***Three Geese,*** 1980. Bronze. 49.99 x 45.01 cm (approx. 19 ¾" x 17 ¾"). *L12.854. Stolen from a private residence in Hungerford, England on July 26, 2012.

208. **ALICIA PEREZ PEÑALBA** (Argentinian, born 1913). ***Flower,*** 1955. Bronze. 5.49 x 5.26 cm (approx. 2 ¼" x 2"). Ed. No. 9/9. *L12.740. Stolen from a New York gallery on May 1, 2012.

209. **FREDERICK PRESCOTT** (American, contemporary). ***Lion.*** Steel. 182.88 x 91.44 (72" x 36"). *L12.779. Stolen from a public space in Park City, Utah on August 3, 2012.

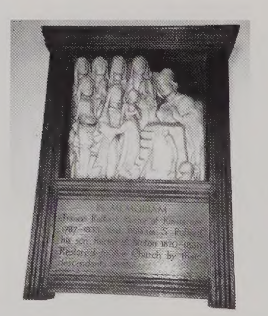
210. **Unknown Artist.** ***Colt,*** 1910. Bronze. 91.44 x 40.64 cm (36" x 16"). *L12.962. Stolen from a private residence in Bristol, RI on October 1, 2012.

211. **Unknown Artist.** (Chinese, Ming Dynasty, c. 1368 – 1644). ***Kuanyin,*** 1600. See color photo on inside back cover.

212. **Unknown Artist.** ***Panel.*** Alabaster. 30 x 30 cm (approx. 11 ¾" x 11 ¾"). *L12.776. Stolen from a church in Warwickshire, UK on July 16, 2012.

213. **Unknown Artist.** ***Two Temple Guardians.*** Sandstone. H: 91.44 cm (36"). *L12.764. Stolen from a private residence in Gloucestershire, UK on August 1, 2012.

214. **RACHEL WHITEREAD** (English, 1963). ***Untitled (24 Switches),*** 1998. Aluminum, 26.49 x 21.01 cm (approx. 10 ½" x 8 ¼"). Verso: Incised 'RW 98' and Ed. no: 13/24. *L12.1031. Stolen from a gallery in London, UK on September 26, 2012.



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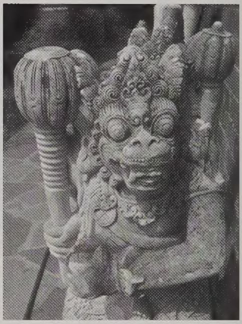

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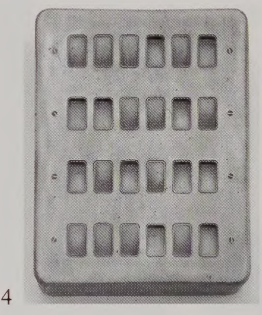

214

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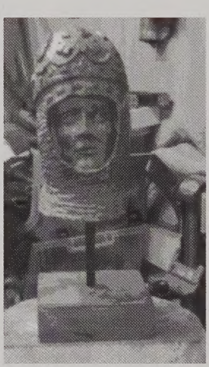
*The following two works were stolen from Doune Castle, Scotland on August 13, 2012. *L12.859:*

215. **Unknown Artist.** ***Robert the Bruce Bust.*** Wood. 19.99 x 10.01 cm (approx. 7 ¾" x 4").

216. **GARY MCPHAIL** (contemporary). ***Robert the Bruce Carved Bust.*** Sandstone. 30 x 15.01 cm (approx. 11 ¾" x 6").



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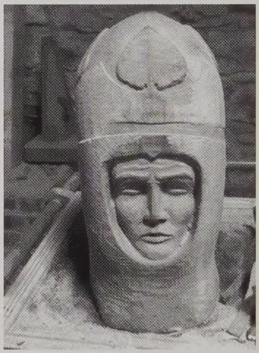
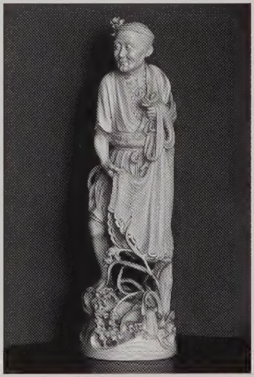


216

The following two ivory carvings by an **Unknown Artist** *artist were stolen from a gallery in Lancashire, England on July 16, 2012. *L12.685:*

217. ***Japanese Man,*** c. 1800. Ivory. 35 x 8 cm (approx. 13 ¾" x 3").

218. ***Japanese Woman,*** c. 1800. Ivory. 35 x 8 cm (approx. 13 ¾" x 3").



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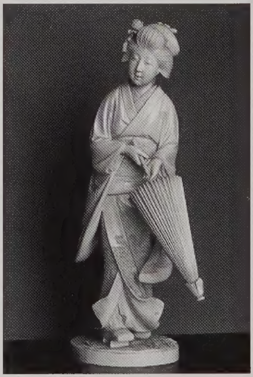

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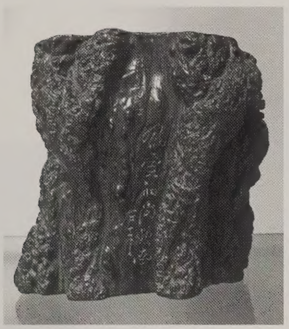

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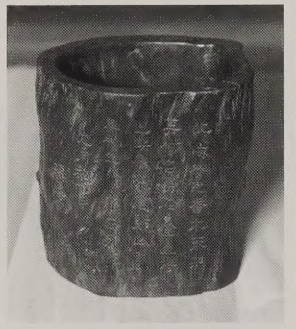
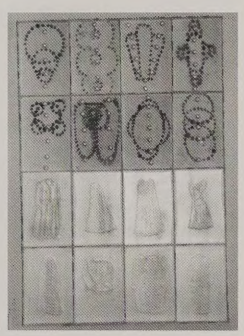


220

*The following two works were stolen from a gallery in New York, NY on August 21, 2012. *L12.821:*

219. **GAO GENGHAN** (Chinese, 17th or 18th century). ***Brushpot.*** 17.78 x 19.05 cm (7" x 7 ½").

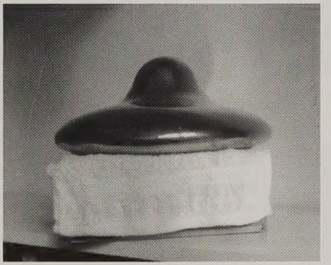
220. **YONGZHENG** (Chinese, 18th century). ***Juniper Brushpot,*** 1728. Wood. 17.14 x 17.14 cm (6 ¾" x 6 ¾").



221

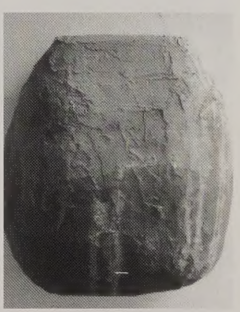
*The following works were stolen in Amsterdam, The Netherlands on October 10, 2012. *L12.1050:*

221. **A. DE GROOTE** (Dutch, contemporary). ***Untitled,*** 2000. Beaded panel. 49.99 x 64.01 cm (approx. 19 ¾" x 25").



222

222. **SIMONE VAN BAKEL** (Dutch, born 1966). ***Teardrop,*** 2002. Ceramic and gold. 7.01 x 45.01 cm (approx 2 ¾" x 17 ¾").



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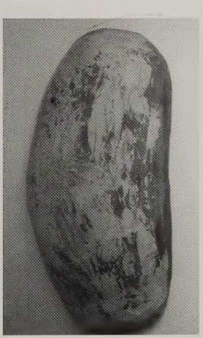


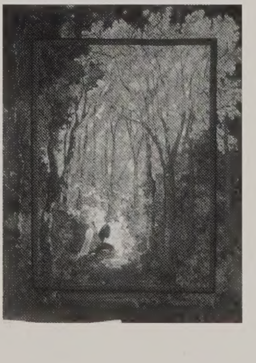
224

SANKAWA YOSHIHISA (Japanese, born 1941):

223. ***Wooden Blue,*** 1996. Wood. 40.01 x 45.01 cm (15 ¾" x 17 ¾").

224. ***Sculpture Wood and Kidney Shaped,*** 1995. Wood. 89.99 x 49.99 cm (approx. 35 ½" x 19 ¾").

TEXTILES



225

225. **SUSAN M. GILGEN** (American, contemporary). ***The Sacred Grove, Let Him Ask God.*** Cotton. 134.62 x 109.22 cm (53" x 43"). *L12.792. Stolen from an office in Manchester, NY on July 23, 2012.

GREEK ANTIQUITIES

The following 7 items by **UNKNOWN** *Greek artists were stolen from a gallery in Vero Beach, FL on January 1, 2011. *L12.933:*

226. ***Attic Skyphos*** (Greek, 600–500 BC). Terracotta. H: 18.01 cm (approx. 7”).

227. ***Black Figure Olpe*** (Greek, c. 500 BC). Terracotta. H: 24.99 cm (approx. 9 ¾”).

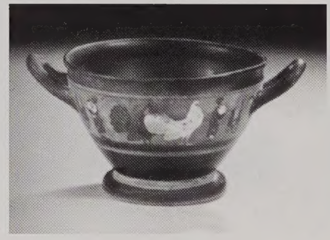
228. ***Female Elamite Statue*** (Greek, c. 1500 BC). Terracotta. H: 16.99 cm (approx. 6 ¾”).

229. ***Gnathian Ware Pitcher*** (Greek, 400–200 BC). Terracotta. H: 11.99 cm (approx. 4 ¾”).

230. ***Red Figure Prochous*** (Greek, 400–300 BC). Terracotta. 8 x 11.99 cm (apparox. 3 ¼” x 4 ¾”).

231. ***Seated Female Figure*** (600–500 BC). See color photo on inside back cover.

232. ***Votary*** (Cypriot, Iron Age, 700–600 BC). Terracotta. H: 16 cm (approx. 6 ¼”).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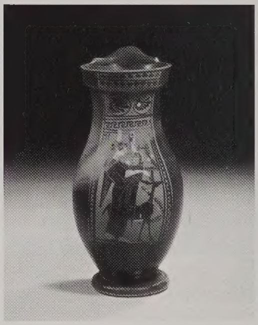
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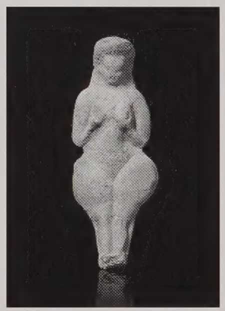
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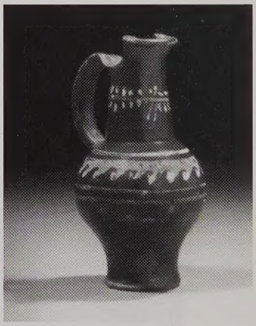
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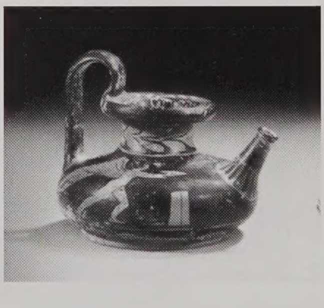
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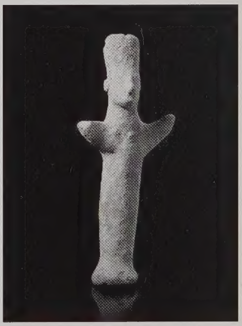
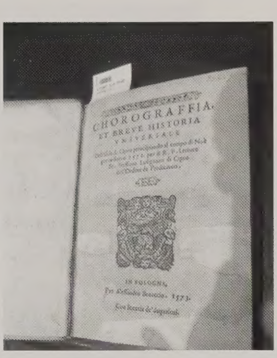

232

BOOKS AND MANUSCRIPTS

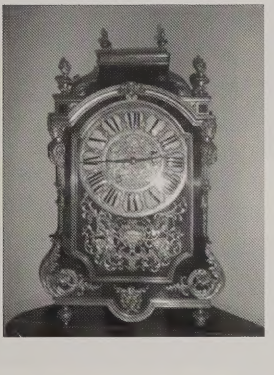


233

233. **STEFFANO DI LUSIGNANO** (Italian, 16th century). ***Chorograffia,*** 1573. Cardboard. 20.19 x 14 cm (approx. 8" x 5 ½"). Some restorations in the first and last pages. *L12.131. Stolen from a car in Nicosia, Cyprus on October 1, 2012.

DECORATIVE ARTS

Clocks, Watches, Timepieces



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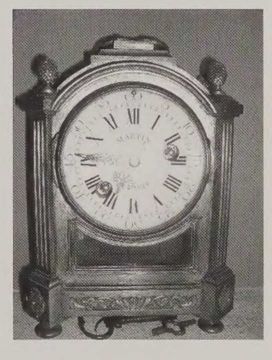

235

234. **PASSAREL** (19th century). Clock. Gilt metal and faux tortoiseshell. H: 59 cm (approx. 23 ¼"). Maker's mark on the front. *L12.644. Stolen from a private residence in Berkshire, UK on June 29, 2012.

235. **L. MARTI ET CIE** (French, 19th century). Clock. 25.4 x 10.16 cm (10" x 4"). *L12.801. Stolen from private residence in Cheltenham, UK on August 20, 2012.

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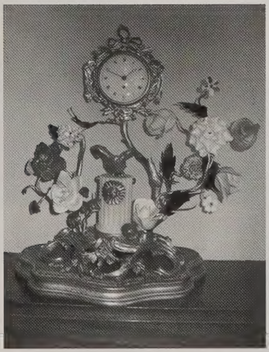
*The following clocks were stolen from a gallery in West Sussex, UK on September 20, 2012. *L12.955:*



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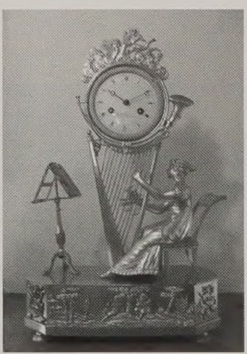


237

236. **JACOB MASSY** (English, 18th century). ***Clock,*** 1725. Ormolu and porcelain. 40.01 x 24 cm (approx. 15 ¾" x 9 ½").

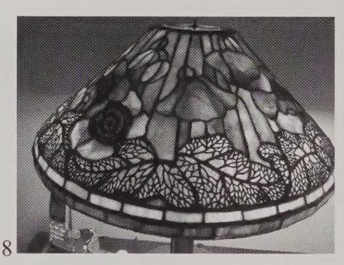
237. **NOEL À BOULOGNE** (French, 19th century). ***Clock,*** 1890. Ormolu. 35 x 24 cm (approx. 13 ¾" x 9 ½").

Glass

238. **TIFFANY & CO.** (American, 20th century). ***Poppy Lampshade,*** c. 1900. Stained glass and bronze. 50.8 x 64.77 cm (20" x 25 ½"). *L12.845. Stolen from a private residence in New Wilmington, PA on August 26, 2012.

239. **Unknown Artist** (Austrian, 20th century). ***Lamp.*** c. 1901-1920. Hammered silver brass and amethyst glass, 45.72 x 22.22 cm (18" x 8 ¾"). *L12.740. Stolen from a gallery in New York, NY on May 1, 2012.

240. **Unknown Artist (Austrian, 20th century).** ***Ruby Glass Goblet in Ormulu Setting.*** 19 x 15.01 cm (approx. 7 ½" x 6"). *L12.955. Stolen from a gallery in West Sussex, England on September 20, 2012.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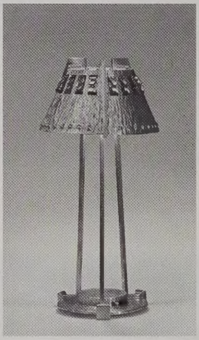
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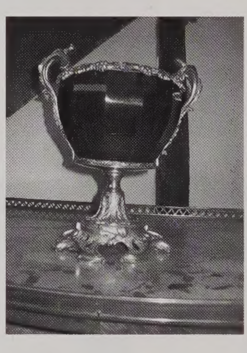
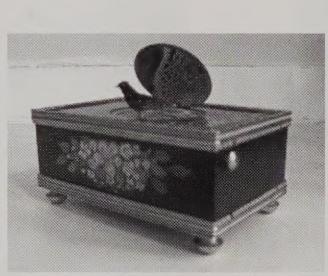

240

Miscellaneous

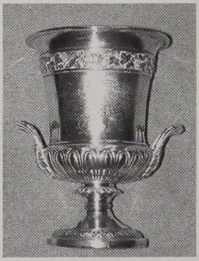
241. **REUGE** (Swiss, 20th century). ***Singing Bird Music Box,*** c. 1960–1999. Gilt and enamel. 7.01 x 11.99 cm (approx. 2 ¾" x 4 ¾"). *L12.955. Stolen from a gallery in West Sussex, UK on September 20, 2012.


241

Silver

242. **EDWARD BARTON** (English, 19th century). ***Coursing Trophy,*** c. 1820. Silver. H: 19 cm (approx. 7 ½"). *L12.681. Stolen from a private residence in London, England on June 7, 2012.

243. **Unknown Artist.** ***Lyre Candlesticks,*** c. 1835–1845. Silver. H: 33.5 cm (approx. 13 ¼"). *L12.724. Stolen from a gallery in London, England on July 4, 2012.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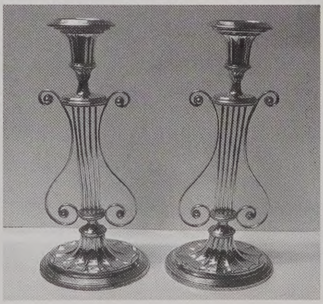
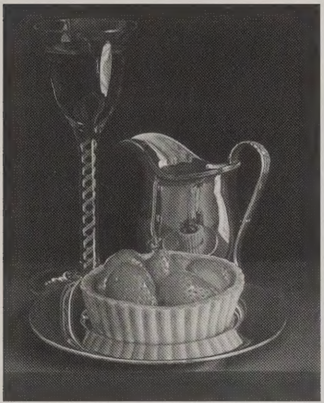

243

MISSING ART*

PAINTINGS



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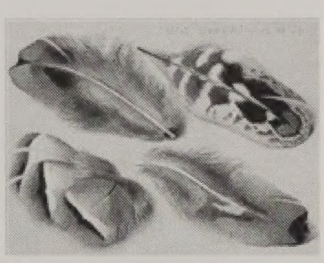

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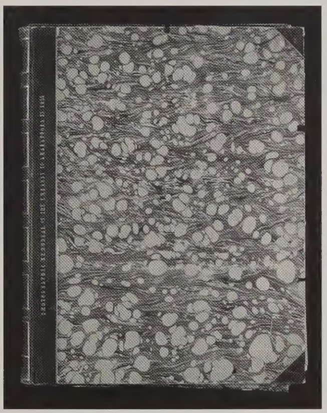

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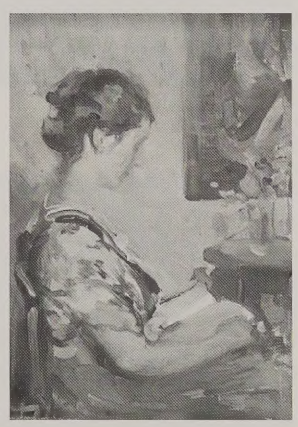

29

26. **JESSICA BROWN** (English, contemporary). ***Still Life with Strawberry Tart and Rose Wine.*** Oil on panel. 25.4 x 20.32 cm (10" x 8"). Signed l/r. *L12.791. Missing from a gallery in London, England on May 22, 2012.

27. **ELIOT HODGKIN** (English, 1905–1987). ***Four Feathers,*** 1964. Tempera on board. 8.38 x 10.41 cm (approx. 3" x 4"). *L12.948. Missing from a storage unit in Sarasota, FL on December 11, 2007.

28. **IMI KNOEBEL** (German, born 1940). ***Tafel DCCCXCVI,*** 2006. Acrylic on aluminum. 151 x 96.01 cm (approx. 59 ½" x 38"). *L12.1001. Missing in transit in Easton, Maryland on December 12, 2008.

29. **JOSEPHINE MUNTZ-ADAMS** (Australian, 1862–1949). ***Sarah.*** Oil on canvas. 35.99 x 25.5 cm (approx. 14 ¼" x 10"). Signed l/l recto and center verso. *L12.653. Missing from a gallery in Victoria, Australia on December 31, 1999.

**Numbering for the year 2011/2012 Cumulative Index of Missing Art began with Vol. 13, nos. 1 and 2.*

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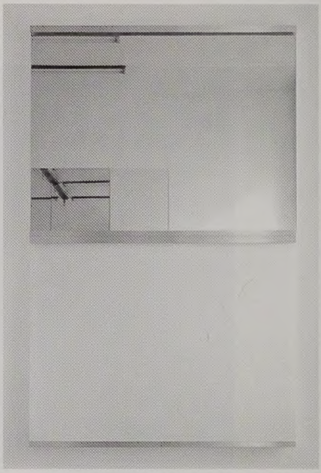
MISSING ART (cont.)

PHOTOGRAPHS

30. **LINNAEUS TRIPE** (English, 1822–1902). ***Photographic Memorial of the Embassy to Amarapoora in 1855.*** Gilt. 27 x 34.49 cm (approx. 10 ½" x 13 ½"). *L12.649. Missing in transit en route from London to client on May 18, 2012.



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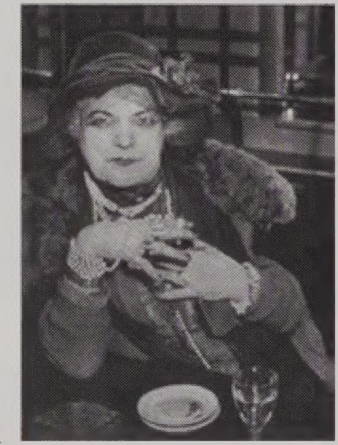
PRINTS

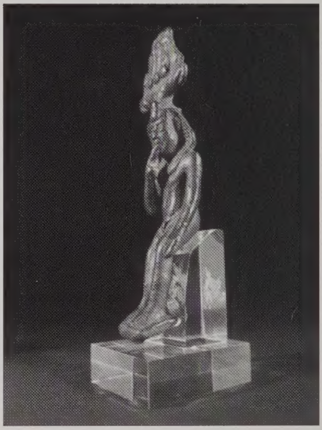
31. **GEORGE BRASSAÏ** (Hungarian/French, 1899–1984). ***Café Scene (Woman with Jewelry),*** 1932. Print. 35.56 x 27.94 cm (14" x 11"). *L12.907. Missing from a private residence in Beverly Hills, CA on August 15, 2012.



31

EGYPTIAN ANTIQUITIES

32. ***Harpocrates (Horus).*** (Egyptian, Late period, c. 664–332 B.C.). Bronze. 14 x 5 cm (approx. 5 ½" x 2"). *L12.559. Missing in transit from Australia to England on March 19, 2012.

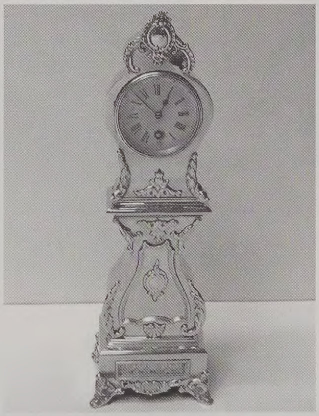


32

DECORATIVE ARTS

Clocks, Watches, Timepieces

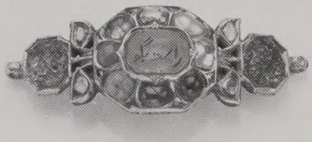
33. **Unknown Artist.** (Scottish, 19th century). ***Miniature Grandfather Clock,*** 1886. Approx. 12" x 4." Inscribed "I must also see Rome" JK March 1988. *L12.724. Missing from a gallery in London, England on July 4, 2012.



33

Jewelry

34. **Unknown Artist.** (Indian, 18th century). ***Bazuband—Armlet.*** Gold and gemstones. 0.99 x 2.49 cm (approx. 1/3" x 1"). The ruby at center is inscribed in Arabic or Persian. The two emeralds at either end are carved in the form of grapes. The verso is enameled. *L12.659. Missing from a gallery in London, England on July 10, 2012.



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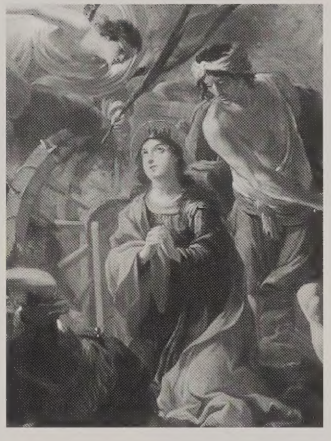
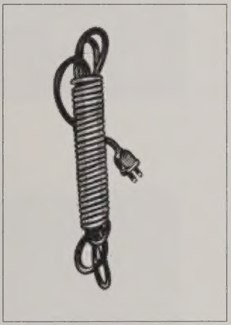
RECOVERED ART*

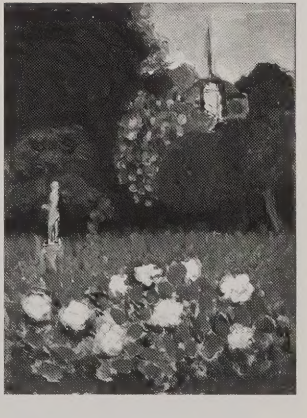
PAINTINGS


25

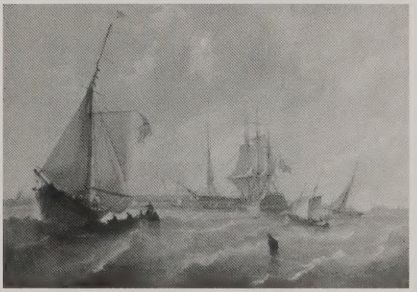
25. **JACQUES DE LESTIN** (French, 1597–1661). ***The Martyrdom of Saint Catherine of Alexandria,*** c. 1635–1645. Oil on copper. 24.79 x 20.29 cm (approx. 9 ¾" x 8"). *L12.511. Stolen from a gallery in Paris, France on May 29, 2012. Recovered June 6, 2012.


26

26. **ROY LICHTENSTEIN** (American, 1923–1997). ***Electric Cord,*** 1961. Oil on canvas. Missing since January 1970. Recovered with the help of the FBI from a New York City storage facility in July 2012 and returned to Barbara Castelli, widow of art dealer Leo Castelli.


27

27. **HENRI MATISSE** (French, 1869-1954). ***Le Jardin,*** 1920. Oil on canvas. 45 x 34 cm (approx. 17 ¾” x 13 ½”). Signed l/r. Stolen from the Museum of Modern Art, Stockholm, Sweden on May 11, 1987. *87.191. (See *IFARreports*, Vol. 8, no. 5, July 1987, item no. 553.) Recovered with the help of the ALR in Essex, England in December 2012.


28

28. **CLARKSON FREDERICK STANFIELD** (English, 1793–1867). ***Shipping off the coast with a harbor in the distance.*** Oil on canvas. 68.99 x 94.01 cm (approx. 27 ¼" x 37"). *L12.255 . Stolen from a private residence in Hastings, England on *March 12, 2012.* (See *IFAR Journal*, Vol. 13, no. 3, item no. 104.) Recovered October 19, 2012.

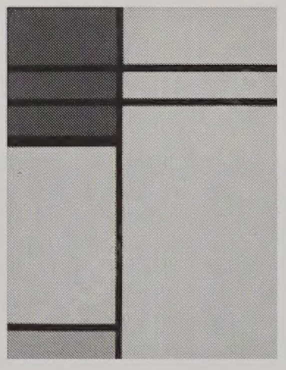
**Numbering for the year 2011/2012 Cumulative Index of Recovered Art began with Vol. 13, nos. 1 and 2.*

RECOVERED ART
(cont.)

*The following are 6 of 13 works that were stolen from the Santa Monica, CA home of bond fund manager Jeffrey Gundlach between September 12 and September 14, 2012 and recovered by Los Angeles police on September 26, 2012. *L12.899:*

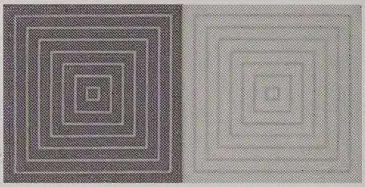
PAINTINGS

29. **PIET MONDRIAN** (Dutch, 1872–1944). ***Composition (A) En Rouge Et Blanc,*** 1936. Oil on canvas. 43.18 x 33.02 cm (17" x 13"). Inscribed: 36.



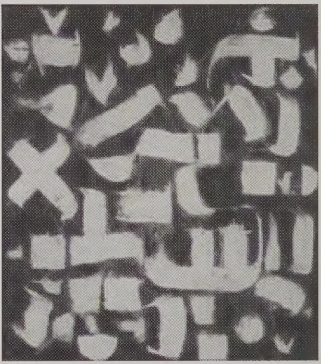
29

30. **FRANK STELLA** (American, born 1936). ***4 picavia,*** 1961. Masonite. 28.58 x 57.15 cm (11 ¼" x 22 ½").



30

31. **BRADLEY WALKER TOMLIN** (American, 1899–1955). ***Number 14,*** 1949. Oil on canvas. 51.05 x 45.72 cm (20" x 18"). Signed u/r: b tomlin. Christies label.

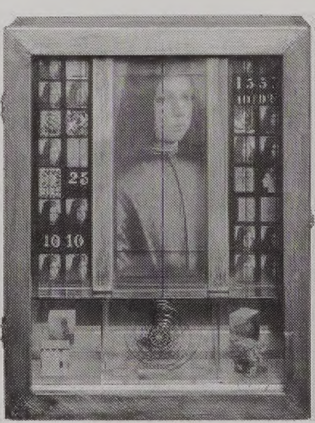


31

MIXED MEDIA

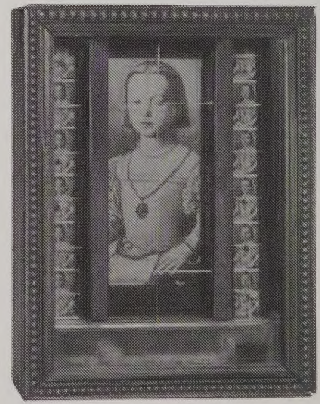
JOSEPH CORNELL (American, 1903–1972):

32. ***Medici Princess,*** 1952. Collage/ assemblage, 40.01 x 30.48 cm (15 ¾" x 12"). Signed "Joseph Cornell "on paper label.



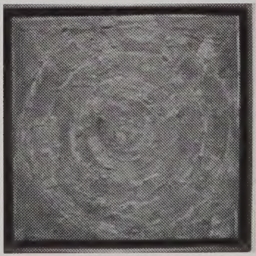
32

33. ***Medici Boy,*** 1946. Collage/ assemblage. 38.1 x 28.58cm (15" x 11 ¼"). Signed "(Joseph Cornell)" on paper label.



33

34. **JASPER JOHNS** (American, born 1930). ***Green Target,*** 1956. Newspaper on board. 23.5 x 23.5 cm (9 ¼" x 9 ¼"). Signed and dated. Sotheby's label.



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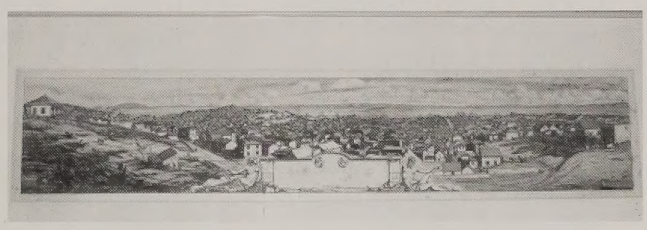
(cont.)

ETCHINGS

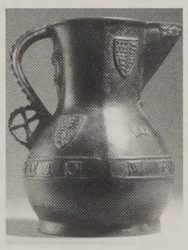


35

35. **CHARLES MERYON** (French, 1821–1868). ***San Francisco.*** Etching. 24.13 x 100.33 cm (9 ½" x 39 ½"). *L12.194. Stolen from a gallery in San Francisco, CA on December 15, 2011. Recovered on August 10, 2012.

DECORATIVE ARTS

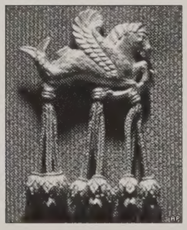
Bronze



36

36. **Unknown Artist.** (14th century). ***Wenlok Jug.*** Bronze. 31.5 x 18.8 cm (approx. 12 ½" x 7 ½"). *L12.440. Stolen from a museum in Luton, England on May 12, 2012. (See *IFAR Journal*, Vol. 13, no. 3, item no. 150.) Recovered in Surrey, England on September 24, 2012.

ANTIQUITIES



37

37. ***Brooch*** (Turkish, 6th century BC). Winged horse-shaped sea monster (hippocamp). Gold and glass. Ht: 3.4 cm W: 2 cm. Stolen from the Usak Museum, Turkey and replaced with a fake in 2005. (See *IFAR Journal,* Vol. 9, no. 1, 2006.) The director of the museum later admitted to selling off museum treasures to pay gambling debts. German officials will return the brooch to Turkey in 2013. The brooch was one of 363 pieces, known as the Lydian Horde, unearthed in the 1960s near Usak. Turkey reclaimed this piece and others in 1993 from the Metropolitan Museum in New York after a long legal battle.

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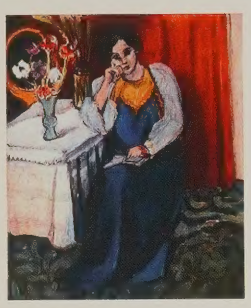
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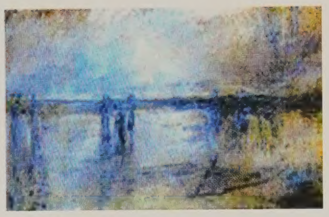
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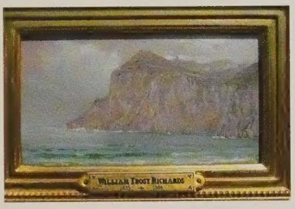
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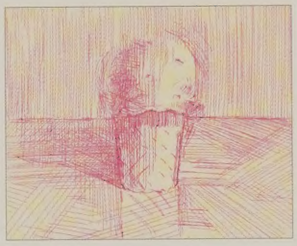
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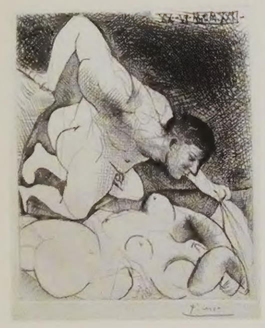
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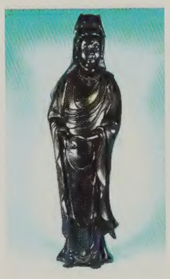
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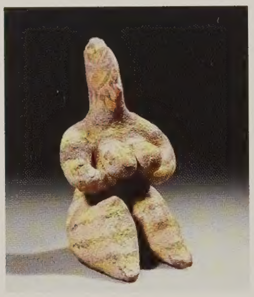
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STOLEN ART

PAINTINGS

*The following 2 items were among 7 paintings and works on paper stolen from the Kunsthal Rotterdam in The Netherlands, on October 16, 2012. *L12.1017. See also item nos. 156, 157, 159, 161, 162 on p. 60.*

158. **HENRI MATISSE** (French, 1869–1954). ***Girl reading in white and yellow,*** 1919. Oil on canvas mounted on board. 41 x 32.99 cm (approx. 16 1/4" x 13").

160. **CLAUDE MONET *Charing Cross Bridge,*** 1901. Pastel. 30.99 x 48.49 cm (approx. 11 ¾" x 19").

---

189. **WILLIAM TROST RICHARDS** (American, 1833-1905). ***Capri,*** c. 1880–1890. Oil on panel. 7.72 x 15.39 cm (3.04" x 6.06"). Label on verso: William Vareika Fine Arts. *L12.1035. One of two paintings stolen from a gallery in Newport, RI on September 27, 2012. See also item no. 190 on p. 64.

ETCHINGS

200. **WAYNE THIEBAUD** (American, born 1920). ***Pink Cone,*** 1955. Etching. 28.58 x 30.48 cm (11 ¼" x 12"). Signed at right. *L12.916. Stolen from a gallery in San Francisco, CA on August 25, 2012.

202. **PABLO PICASSO** (Spanish, 1881–1973). ***Man Unveiling Woman: from Vollard Suite,*** 1937. Etching. 81.28 x 63.5 cm (32" x 25"). Ed. no: 260. *L12.1052. Stolen from a gallery in Washington, DC on October 12, 2012. See also item no. 201 on p. 66.

SCULPTURE

211. **UNKNOWN** (Chinese, Ming Dynasty, c. 1368–1644). ***Kuanyin,*** 1600. Bronze and silver. 49 x 19.99 cm (approx. 19 ¼" x 7 3/4"). *L12.911. Stolen from a gallery in Thailand on September 20, 2012.

GREEK ANTIQUITIES

231. ***Seated Female Figure*** (600–500 BC). Terracotta. H: 14 cm (approx. 5 ½"). *L12.933. Stolen from a gallery in Vero Beach, FL on January 1, 2011. See also item nos. 226-230 and 232 on p. 70.

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Byelorussia Seeks National Relic
Quedlinburg Treasure Will Return
Koenigs Drawing Repatriated